

PROPOSED AMENDMENT TO AGREEMENT FOR COOPERATION
WITH THE UNITED KINGDOM OF GREAT BRITAIN AND PRO-
POSED AGREEMENTS FOR COOPERATION WITH THE REPUBLIC
OF FRANCE, CANADA, TURKEY, THE NETHERLANDS, THE
FEDERAL REPUBLIC OF GERMANY AND GREECE ON THE USES
OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

JULY 14, 1959.—Ordered to be printed

Mr. ANDERSON, from the Joint Committee on Atomic Energy
submitted the following

R E P O R T

[Pursuant to proposed agreements for cooperation on the uses of atomic energy
for mutual defense purposes]

This is a report on six proposed agreements for cooperation for mutual defense purposes and one proposed amendment to an existing agreement for cooperation for mutual defense purposes submitted to the Congress by the President of the United States in accordance with subsection 123d. of the Atomic Energy Act of 1954, as amended by Public Law 85-479.

The proposed amendment and agreements are with the following seven allies of the United States:

<i>Country</i>	<i>Date submitted to Congress and referred to the Joint Committee</i>
The United Kingdom.....	} May 19, 1959.
France.....	
Government of Canada.....	} May 26, 1959.
Federal Republic of Germany.....	
Kingdom of The Netherlands.....	
Government of Turkey.....	} June 11, 1959.
Government of Greece.....	

Subsection 123d. of the Atomic Energy Act of 1954, as amended, provides that no cooperation with any nation or regional defense organization for transfer of military atomic energy information or material may take place unless:

the proposed agreement for cooperation, together with the approval and determination of the President, if arranged pursuant to subsection 91c., 144b., or 144c., has been submitted to the Congress and referred to the Joint Committee

and a period of sixty days has elapsed while Congress is in session, but any such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement for cooperation: *Provided, however,* That during the Eighty-fifth Congress such period shall be thirty days (in computing such sixty days, or thirty days, as the case may be, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days.

In accordance with subsection 123 d. of the Atomic Energy Act of 1954, as amended, the proposed amendment and agreements will become effective after midnight of the date indicated providing Congress does not pass a concurrent resolution of disapproval prior thereto:

<i>Country</i>	<i>End of 60-day waiting period</i>
The United Kingdom-----	} July 18, 1959.
France-----	
Government of Canada-----	} July 25, 1959.
Federal Republic of Germany-----	
Kingdom of the Netherlands-----	
Government of Turkey-----	
Government of Greece-----	August 10, 1959.

The Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, having reviewed the proposed agreements and the proposed amendment to an existing agreement and having received testimony in executive session and open public hearings from representatives of the Department of Defense, the State Department, the Atomic Energy Commission, and others desiring to testify, unanimously concluded and reported to the Joint Committee that the proposed agreements and the proposed amendment to an existing agreement are in conformance with the letter and spirit of the Atomic Energy Act of 1954, as amended.

The Joint Committee on Atomic Energy on July 13, 1959, met and adopted the report, and interposed no objections to the proposed amendment and agreements.

This report accordingly is made by the Joint Committee in accordance with the provisions of section 202 of the Atomic Energy Act of 1958, as amended.

BACKGROUND

In the 85th Congress, 2d session, the Atomic Energy Act of 1954 was amended to permit under carefully stated conditions and safeguards greater cooperation between the United States and its allies in the exchange of atomic energy information and material for military defense purposes. The amendment passed by the Congress and signed by the President as Public Law 85-479 on July 2, 1958, made possible greater cooperation with our allies by permitting wider exchange of military information and material as follows:

1. Material, including nonnuclear parts of weapons, nonnuclear parts of weapon systems, military reactors, and nuclear materials for use in military reactors and weapons;

2. Classified information (restricted data) of a nature to assist an individual nation or regional defense group such as NATO to improve its training and prepare for mutual defense; and

3. Classified information (restricted data) of a nature to assist another individual nation to improve its atomic weapon design, development or fabrication capability, and concerning military reactors.

Under the Atomic Energy Act of 1954 as amended by Public Law 85-479, transfer of nuclear material for atomic weapons use and communication of sensitive restricted data concerning atomic weapons may be made only to a military ally that has made substantial progress in the development of atomic weapons and where the material or information is necessary to improve that country's atomic weapon design, development, or fabrication capability. Similarly, nonnuclear parts of atomic weapons may be transferred only to a nation that has made substantial progress in the development of atomic weapons.

Distinction is made as to less sensitive information and the less sensitive nonnuclear parts of atomic weapons systems which are not integral to a weapon but pertain to accessories necessary for operation and maintenance work and which do not disclose internal design information of the weapon. Less sensitive information to improve the training and operational readiness of defensive forces may be communicated to another nation or regional defense organization under specific conditions if the information does not contribute significantly to atomic weapon design, development or fabrication capability. Nonnuclear parts of atomic weapons systems under specific conditions also may be transferred to a nation with the provision that the transfer does not contribute significantly to that nation's atomic weapon design, development or fabrication capability.

Public Law 85-479 requires that prior to such cooperation the President must determine in writing that it will promote and will not constitute an unreasonable risk to the common defense and security and that such cooperation may take place only while the cooperating nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security.

In addition, Public Law 85-479 provides that all proposed agreements for cooperation involving communication of classified information or transfer of material for military purposes must be submitted to the Congress and referred to the Joint Committee and may not become effective if the Congress passes a concurrent resolution of disapproval within 60 days (30 days during the 85th Cong.).

On July 3, 1958, the President submitted to the Congress the first proposed agreement between the United States and an ally under provisions of Public Law 85-479, an agreement with the United Kingdom of Great Britain. It provided for the exchange of information necessary to the development of defense plans; the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy; the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems for carrying atomic weapons. The agreement also provided for both nations to exchange classified atomic weapons information of a nature to improve each country's design, development and fabrication capability.

In addition, the 1958 agreement with the United Kingdom broadened a cooperative program wherein the two allies had been exchange-

ing nuclear submarine reactor information by authorizing the transfer by sale to the United Kingdom of one complete submarine nuclear propulsion plant and the necessary fuel for operation of the plant for a period of 10 years.

Although authorized by Public Law 85-479, the 1958 agreement with the United Kingdom, did not provide for the transfer of non-nuclear parts of atomic weapons or weapons systems or other material for military use. It was not possible at that time to determine the nature or scope of such transfer which would best contribute to our common defense and security until discussions could be held on the exchanged classified information provided for in the agreement. The exchange of classified information between the United States and the United Kingdom carried on under provisions of the 1958 agreement therefore has made possible such determination on the basis of which the proposed amendment was negotiated.

EXECUTIVE HEARINGS

In order that the committee members might have complete knowledge as to the specific classified material and information included in the proposed agreements and the detailed defensive needs for the proposed cooperation, the Subcommittee on Agreements for Cooperation held executive hearings on June 11, 12, and 17. As is customary with all subcommittees of the Joint Committee on Atomic Energy, all members of the full committee were invited to attend and participate in these hearings.

All testimony taken in executive session was submitted to the executive agencies with a request that the testimony be reviewed for classified information. The unclassified portions of the executive session hearings together with the record of the open hearings are being published.

The following witnesses appeared before the Subcommittee on Agreements for Cooperation to testify or participate in the executive hearings:

Department of State:

Ivan B. White, Deputy Assistant Secretary for European Affairs.
Philip J. Farley, Special Assistant to the Secretary for Disarmament and Atomic Energy.

James P. Parker, Political-Military Officer in Canadian Affairs.

John H. Pender, Attorney, Office of Legal Adviser.

Robert N. Margrave, Deputy Director, Office of Munitions Control.

Raymond S. Courtney, Officer in Charge, Defense and Special Projects, Office of the Special Assistant to the Secretary for Disarmament and Atomic Energy.

Miss Margaret J. Tibbetts, Officer in Charge, Political-Military Affairs, European Division.

L. Bruce Laingen, Officer in Charge of Greek Affairs.

Merrill Hammond, Director, Office of Munitions Control.

Robert H. McBride, Director, Office of Western European Affairs.

L. Dean Brown, Officer in Charge, French-Iberian Affairs.

William N. Dale, Deputy Director, Office of British Commonwealth and Northern European Affairs.

Department of Defense:

Herbert B. Loper, Assistant to the Secretary of Defense for Atomic Energy.

Harry Van Cleve, Office of General Counsel, OSD.

Col. Marvin Stanford, military assistant, office of General Loper.

C. Donald Garrett, Office of Security Policy, OSD.

Jere H. Dykema, Office of General Counsel, OSD.

Atomic Energy Commission:

John A. McCone, Chairman.

Willard F. Libby, Commissioner.

Gen. A. D. Starbird, Director, Military Application Division.

Algie A. Wells, Director, International Affairs.

Myron B. Kratzer, Division of International Affairs.

Robert N. Slawson, Division of International Affairs.

Lawrence F. O'Donnell, Division of International Affairs.

Capt. John A. Waters, Director, Division of Security.

Franklin N. Parks, Office of General Counsel.

Dwight A. Ink, Special Assistant to the Chairman.

Comdr. V. A. Lascara, Special Assistant, Division of Reactor Development, Navy Reactors.

Langdon A. Cook, Jr., Military Application Division.

Richard X. Donovan, Assistant to General Manager.

OPEN HEARINGS

In addition to the executive session hearings, the Subcommittee on Agreements for Cooperation held open hearings on July 1 and 2, 1959, at which individuals and representatives of organizations requesting to testify were given an opportunity to do so.

In preparation for the open hearings and to inform the public and Members of Congress as to the details of the proposed agreements, the chairman of the Subcommittee on Agreements for Cooperation introduced into the Congressional Record the texts of each of the proposed agreements together with the accompanying recommendations of the President, the State Department, the Department of Defense, and the Atomic Energy Commission. The proposed amendment to the British agreement and the proposed French agreement were placed in the Congressional Record of May 26, 1959; the proposed Greek agreement in the Congressional Record of June 17, 1959; and the others in the Congressional Record of June 9, 1959.

On June 23, 1959, a press statement was issued announcing that open hearings would be held July 1 and 2, 1959, and requesting persons desiring to testify to notify the Joint Committee.

Open public hearings accordingly were held July 1 and 2, 1959, at which the following Government witnesses appeared and testified:

Department of State: Ivan B. White, Deputy Assistant Secretary for European Affairs.

Department of Defense: Hon. Herbert B. Loper, Assistant to the Secretary of Defense for Atomic Energy.

Members of Congress: Representative William H. Meyer, U.S. Congressman.

In addition to the above Government witnesses, the following organizations were represented by individuals who appeared and testified at the public hearings:

Women's International League for Peace and Freedom:

Mrs. Josephine W. Pomerance.

Mrs. Alexander Stewart, legislative secretary.

Friends Committee on National Legislation: Clarence E. Pickett.

Jewish Peace Fellowship: Rabbi Isidor Hoffman, honorary chairman.

National Committee for a Sane Nuclear Policy, Inc.: Donald Keys, executive secretary.

Federation of American Scientists: William C. Davidson, chairman, Chicago chapter.

United Independent-Socialist Committee: William Price, executive secretary.

The following individual requested permission to testify and was given the opportunity to do so: Ruth Neuendorffer, 34 Harwood Avenue, North Tarrytown, N.Y.

All persons and organizations requesting to testify and who were present at the hearings were given an opportunity to be heard. Those not able to be present but who desired to submit a statement for the record were permitted to do so.

SUMMARY OF THE PROPOSED AMENDMENT TO THE UNITED KINGDOM AGREEMENT

The proposed amendment provides for the transfer from time to time during the period ending December 31, 1969, from the United States to the United Kingdom of the following:

1. Nonnuclear parts of atomic weapons and nonnuclear parts of atomic weapons systems involving restricted data for the purpose of improving the United Kingdom's state of training and operational readiness.

2. Special nuclear materials for research on, development of, production of, or use in utilization facilities for military applications.

3. Source, byproduct and special nuclear materials and other materials for research on, development of, or use in atomic weapons necessary to improve the United Kingdom's atomic weapon design, development or fabrication capabilities.

The proposed amendment also provides during the same period of time for the transfer of similar types of materials and equipment from the United Kingdom to the United States including the exchange of plutonium for uranium 235.

The specific quantities and other terms and conditions of the transfers will be as agreed by the United States and the United Kingdom. Cost of packaging and transporting of material and equipment will be borne by the recipient nation.

The proposed amendment revises the original agreement with regard to control of information and material transferred to make more specific the intent that information, materials, and equipment received by one party will not be communicated or transferred by that party to a third nation or international organization unless the party furnishing the information, material or equipment has authorized the communication or transfer in compliance with its laws. In addition the

proposed amendment provides that material transferred between the United States and the United Kingdom shall not be used for purposes other than those for which it was received. Provision is made for materials which it is not practicable to keep separate from other materials of the receiving party as, for example, when it becomes intermingled or scrap resulting from manufacturing processes. In such cases the recipient party must retain an equivalent amount of its own material under its jurisdiction and for the purpose for which the other party's material was received.

The proposed amendment provides that if either nation desires to procure materials or components for use in manufacture of atomic weapons from any source within the jurisdiction of the other nation it will notify the other nation in order that it may insure compliance with its applicable laws and regulations. It also provides for technical changes in the agreement resulting from the additional cooperation provided in the amendment including the addition of necessary definitions. The proposed amendment modifies the "duration" article of the agreement, originally a period of 10 years, so that the cooperation in the field of information will continue until December 31, 1969, the same period as the materials and equipment cooperation under the proposed amendment.

Other provisions and conditions of the agreement including those relating to security safeguards will apply to the cooperation under the proposed amendment. Implementation will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security and while the two nations are participating in an international arrangement for their mutual defense and security through substantial and material contributions thereto.

SUMMARY OF PROPOSED AGREEMENT WITH FRANCE

The proposed agreement with France provides for the sale by the United States to the Republic of France during a period of 10 years of agreed amounts of nuclear fuel for use in the development and operation of a land-based prototype submarine nuclear propulsion plant. It does not involve the communication of any classified defense information or restricted data.

The net amount of uranium transferred would not exceed 440 kilograms of contained uranium 235 except the net amount of contained uranium 235 enriched to more than 20 percent would not exceed 300 kilograms. Maximum enrichment of the contained uranium 235 would be 90 percent in the isotope U²³⁵.

During the 10-year period that the agreement would be in effect the United States, if requested by France, will reprocess any material transferred under the agreement on terms and conditions to be agreed. Any reprocessed material under the agreement may be purchased by the United States. Any purchase made by the United States or France of enriched uranium under the proposed agreement will be at the applicable Atomic Energy Commission price in effect at the time of purchase.

The proposed agreement also provides that the enriched uranium transferred to France shall not be used for any purpose other than the development and operation of a land-based prototype submarine

nuclear propulsion plant. France is not to transfer any materials received under the agreement to unauthorized persons or beyond the jurisdiction of the French Government, except as the United States, pursuant to its laws, may agree to transfer of such material to another nation and then only if such transfer, in accordance with the laws of the United States, is authorized by an agreement for cooperation between the United States and the other nation.

The proposed agreement specifically provides that agreed amounts of enriched uranium would be transferred to France only when the United States determines that such transfers will promote and will not constitute an unreasonable risk to its defense and security while France is participating with the United States in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Implementations of the proposed agreement would be undertaken only when these conditions prevail.

SUMMARY OF PROPOSED AGREEMENTS WITH FOUR NATO NATIONS
(GREECE, TURKEY, THE NETHERLANDS, AND THE FEDERAL REPUBLIC
OF GERMANY)

The cooperation to be undertaken by the United States and the specifically named members of NATO—Greece, Turkey, the Netherlands, and Federal Republic of Germany—pursuant to the separate and individual proposed agreements involves the exchange of certain classified information and equipment necessary to improve the state of training and operational readiness of the armed forces of those nations.

The proposed agreements do not involve the transfer of atomic weapons, nonnuclear parts of atomic weapons or nuclear material, nor the communication of information that will permit a nation to improve its atomic weapon design, development or fabrication capability. They also do not involve the communication or exchange of classified information concerning research, development, or design of military reactors.

The proposed agreements provide that the United States will exchange with each country classified information necessary to the development of defense plans; the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy; the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable to carry atomic weapons. In addition the proposed agreements provide that the United States will transfer to each country nonnuclear parts of atomic weapons systems.

The proposed agreements specifically require that communication of information and transfer of nonnuclear parts of weapons systems would take place only when the United States determines that it will promote and will not constitute an unreasonable risk to its defense and security, and only when the recipient nation is participating with the United States in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Each separate agreement would remain in force until terminated by agreement of both parties except that with regard to the transfer of information and equipment either party may terminate its cooperation upon the expiration of the North Atlantic Treaty.

Classified information and nonnuclear parts of atomic weapons systems transferred are to be protected under standards set forth in security arrangements between the United States and the cooperating nation and are not to be transferred to unauthorized persons. The recipient nation would not transfer or permit access to any classified information or equipment received under provisions of the agreement to other nations or international organizations unless so authorized by the originating party.

The proposed agreements with the individual NATO nations are similar in nature other than for minor technical variations occasioned by different language translations except as to the patent provisions. Those with Turkey and the Federal Republic of Germany provide that any inventions or discoveries on the part of the receiving nation resulting from possession of information communicated or revealed by equipment transferred shall be made available to the other party to the agreement for defense purposes without charge. The proposed agreements with Greece and the Netherlands have a similar patent provision except that the inventions or discoveries will be made available free without limitation to defense purposes.

PROPOSED AGREEMENT WITH CANADA

The proposed agreement with Canada is similar to those with the specified NATO countries as to provisions for the United States to transfer nonnuclear parts of atomic weapons systems and to exchange classified information necessary to the development of defense plans; the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy; the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable to carry atomic weapons.

In addition, however, the proposed agreement with Canada provides for the exchange of classified information relative to research, development and design of military reactors to the extent and by such means as may be agreed. Thus, exchange of information on reactors of primarily military significance, such as army package powerplants, will be carried on under the proposed agreement rather than under provisions of an existing Civil Uses Agreement which permitted some such cooperation between Canada and the United States since 1956. With regard to the exchange of the other atomic energy military information the proposed agreement will supersede a previous Agreement for Cooperation for Mutual Defense Purposes between Canada and the United States signed on June 15, 1955.

The proposed agreement with Canada also expresses the U.S. intent to agree at some future time to transfer to Canada a military reactor and necessary parts and special nuclear material for research on, development of, production of, and use in military reactors. Such future action would require, however, a specific amendment to the agreement and would have to comply with statutory requirements including submission to the Congress before it could take effect.

If either country makes an invention or discovery based upon information received by it under the agreement each country will receive title to the patent in its own country in addition to a royalty-

free license to use the patent in the other country. If the country making such invention or discovery would obtain title to the patent in a third country, the country having furnished the original information on which the invention or discovery is based would be granted a royalty-free license. No patent application involving classified information will be filed, however, except in accordance with agreed security arrangements.

The proposed agreement provides for both countries to maintain appropriate security safeguards and that any information or material transferred will not be made available to unauthorized persons or to other nations or international organizations except as the originating country may agree in accordance with its statutory laws.

As with all Agreements for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, transfer of equipment and communication of information under the proposed agreement would take place only when the transferring country determines that it will promote and will not constitute an unreasonable risk to its defense and security and only when Canada is participating with the United States in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. It would remain in force until terminated by agreement of both nations except that with respect to the transfer of equipment and exchange of information if not terminated by agreement of both it may be terminated by either nation on 1 year's notice after a period of 10 years, or thereafter on 1 year's notice to take effect after any succeeding 5 years.

COMMITTEE COMMENTS

Public Law 85-479, passed during the 85th Congress, 2d session, and approved by the President on July 2, 1958, amended the Atomic Energy Act of 1954 to permit a greater degree of cooperation between the United States and its allies for mutual defense purposes.

In enacting such legislation the Congress recognized the basic need for cooperative arrangements with our friendly allies to provide for our common defense. As the President of the United States and the Prime Minister of the United Kingdom of Great Britain jointly declared on October 25, 1957:

The arrangements which the nations of the free world have made for collective defense and mutual help are based on the recognition that the concept of nation self-sufficiency is now out of date. The countries of the free world are interdependent and only in genuine partnership, by combining their resources and sharing tasks in many fields, can progress and safety be found.

Prior to recommending passage of legislation requested by the administration last year to permit greater cooperation in the military field of atomic energy the Joint Committee held extensive hearings from January to May of 1958 and very carefully reviewed the need for such legislation. (See Hearings Before the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, Congress of the United States, 85th Cong., 2d sess., on Amending the Atomic Energy Act of 1954—Exchange of Military Information and Material with Allies.)

As pointed out in the committee's reports (S. Rept. No. 1654, House Rept. No. 1849, 85th Cong., 2d sess., p. 9):

Throughout the hearings and in its deliberations, the Joint Committee was mindful of the fact that the amendments originally proposed by the Atomic Energy Commission might have been interpreted in such a way as to enable a "fourth nation" to achieve a nuclear weapons capability. It was primarily due to this possibility that the Joint Committee made certain changes in the language first recommended by the AEC.

Accordingly, in reporting out the legislation last year which amended the Atomic Energy Act of 1954, under sections 144c(1) and 91c(4) the Joint Committee added language which clearly made the law comply with the intent that no classified information or fissionable material could be transferred that would assist a country not already having weapons capability to achieve such capability.

The committee of conference further strengthened this important point in the law by recommending a distinction between *nonnuclear parts of atomic weapons* and the less sensitive and nonintegral *non-nuclear parts of weapons systems* which was explained as follows:

The conference agreement, therefore, makes provision for the transfer of two distinctly different types of nonnuclear parts. One type, the nonnuclear parts of atomic weapons, relates to the integral components of the weapon itself which could only be transferred to those nations that have made substantial progress in the development of atomic weapons. The other type relates to nonnuclear parts of atomic weapons systems which are not integral to the weapon itself but pertain to various kinds of equipment involving restricted data to make possible the operational use and maintenance of the weapon, such as adaption kits. This latter category of non-nuclear parts relating to the atomic weapons systems is not as sensitive as the first category of nonnuclear parts and would not disclose internal design information of the weapon. This type, under the new language, may be transferred to a nation provided that the transfer will not contribute significantly to that nation's atomic weapon design, development, or fabrication capability (conference report to accompany H.R. 12716, H. Rept. No. 2051, Amending the Atomic Energy Act of 1954, as amended, dated June 27, 1958, p. 4).

The distinction adopted by the Congress under Public Law 85-479, thus provides that nonnuclear parts of atomic weapons may be transferred only to a nation that has made substantial progress in the development of atomic weapons which the Joint Committee in its reports defined as follows:

With regard to the words "substantial progress" in the second proviso of subsection 91c(4) it is intended that the cooperating nation must have achieved considerably more than a mere theoretical knowledge of atomic weapons design, or the testing of a limited number of atomic weapons. It is intended that the cooperating nation must have achieved a capability on its own of fabricating a variety of atomic

weapons, and constructed and operated the necessary facilities, including weapons research and development laboratories, weapon manufacturing facilities, a weapon-testing station, and trained personnel to operate each of these facilities. It is intended that full information shall be provided the Joint Committee as to the basis of any such determination. In reaching the conclusion as to the intended meaning of "substantial progress," and the types of material and the conditions established under subsection 91c, the Joint Committee relied heavily upon the good faith of the executive branch in its assertion in the January 27, 1958, letter forwarding the proposed amendments that—

"It is not intended that manufactured nuclear components of weapons could be transferred under this amendment, nor that we promote the entry of additional nations into the field of production of nuclear weapons" (S. Rept. No. 1654, H. Rept. No. 1849, 85th Cong., 2d sess., p. 12).

The Joint Committee was also responsible for adding to the legislation last year a new subsection 123d. to require all proposed agreements for cooperation involving transfer of military information and material to be submitted to the Congress and Joint Committee and not to become effective if the Congress passes a concurrent resolution of disapproval within a period of 60 days.

Proposed amendment to United Kingdom agreement

The United States and Great Britain have benefitted extensively from the exchange of information to date under their existing agreement, which became effective August 3, 1958. The proposed amendment which will permit the exchange of nonnuclear part of atomic weapons and weapons systems and nuclear material for weapons and other military use will further assist the two allies to combine their resources and eliminate duplication of effort for the better defense of both.

As part of the agreement, Uranium 235 will be transferred by the United States to the United Kingdom in exchange for plutonium. This will benefit the United Kingdom by eliminating the need for that country to expend large sums of money for construction and operation of expensive diffusion plants. The United States will benefit by obtaining needed plutonium for its small weapons program. It is understood and agreed that the exchange of Uranium 235 for plutonium will be at a ratio of 1 gram of plutonium for each 1.76 gram of U²³⁵ and that such a ratio of exchange will not constitute a precedent for payments made by the United States in purchasing plutonium from private civilian power reactors.

While no complete nuclear weapons will be exchanged between the two allies, nonnuclear parts of atomic weapons and atomic weapons systems will be made available to the United Kingdom to improve that country's state of training and operational readiness. The nuclear components of American weapons will be maintained in the custody and under the control of American forces and, in accordance with the laws and military agreements of both nations will be available to the United Kingdom in the event of hostility for the common defense of both allies.

Proposed agreements with Turkey, Greece, the Netherlands, and the Federal Republic of Germany

The proposed agreements with the four NATO nations, Turkey, Greece, the Netherlands, and the Federal Republic of Germany, as indicated by the President in his May 26, 1959, letter to the Congress, will further the principle agreed to by the heads of government of the NATO nations in December 1957 on the desirability of achieving the most effective pattern of NATO military defensive strength taking into account the most recent developments in weapons and techniques.

In accordance with section 144b of the Atomic Energy Act of 1954, as amended, the United States will communicate classified atomic energy information to each of these allies as is necessary to: (1) the development of defense plans; (2) the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy; (3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and (4) the development of compatible delivery systems for atomic weapons.

Information to be communicated will be limited solely to the above and will not be of a nature that would make possible the receiving nation to design, develop or fabricate its own nuclear weapons.

In order to improve each nation's state of training and operational readiness within the North Atlantic Treaty Organization, the United States would, in accordance with the conditions and safeguards required by the laws of the United States and made part of the proposed agreements, transfer to each nation nonnuclear parts of atomic weapons systems. This equipment which is not an integral part of atomic weapons consists of such things as electrical and mechanical attachments and adaption kits which will permit our NATO allies to improve their operational readiness in the event of hostilities. Parts of the weapons themselves, whether nuclear or nonnuclear, will remain in the custody and under the control of the United States.

No transfer of any part of a nuclear weapon may be made to these nations. However, in the event of hostilities, nuclear weapons in the custody of American forces could be transferred by direction of the President in accordance with the Constitution and the laws of the United States. With the assistance of the equipment and information previously made available by means of these proposed agreements, our NATO allies will be better prepared to participate with the United States in the defense of the free world. The proposed agreements would further help to give our NATO allies the necessary strength and confidence to overcome threats by Soviet nuclear weapons equipped forces.

Communication of information and the transfer of equipment under each proposed agreement will take place only after the President determines that the specific transfer or communication will promote and will not constitute an unreasonable risk to the defense and security. Cooperation would take place only while the receiving nation is participating with the United States in an international arrangement and making substantial and material contributions to the mutual defense and security.

Proposed agreement with Canada

The proposed agreement with Canada provides for the exchange and communication of similar types of equipment and information as with

the NATO countries. In addition the United States would exchange with Canada information pertaining to military reactors, such as Army package power reactors for remote military installations, which is already authorized under a previous agreement entered into between Canada and the United States in 1956. The proposed agreement, therefore, incorporates into one agreement all cooperation contemplated between the United States and Canada in the area of military atomic energy information and material. No transfer of parts of atomic weapons, whether nuclear or nonnuclear, would take place under the agreement.

Proposed agreement with France

The proposed agreement with France does not involve the communication of any classified information concerning nuclear weapons or military reactors. It would authorize the transfer by the United States of fuel to be used solely by the French Government in a land-based prototype of a nuclear submarine which the French Government, using its own design, will construct.

As with all agreements for cooperation for military purposes, transfer of the material will take place only when France is participating with the United States in an international arrangement for our mutual defense and security, and while France is making substantial and material contributions thereto. Similarly, the actual transfer of material will take place only when the United States determines that it will promote and will not constitute an unreasonable risk to its defense and security.

The committee in supporting the proposed amendment to the British agreement and the proposed agreements with the other nations notes that implementation of the agreements will take place only when the required conditions and safeguards have been complied with. The committee has been assured that it will be informed prior to communication of any information or transfer of any material as to the required determinations having been made and as to the specific information or material to be transmitted.

The Joint Committee has been keenly aware of the need to control the dissemination of atomic weapons information and material, and thus was most careful in reviewing the legislation adopted by the Congress last year and the proposed agreements now before the Congress under provisions of that legislation.

The Joint Committee submits this report to assist all Members of the Congress in understanding the nature and scope of the proposed agreements in connection with their review by the Congress as provided for under the Atomic Energy Act of 1954, as amended by Public Law 85-479.

There follows as appendix 1 the proposed amendment to the agreement with the United Kingdom; as appendix 2 the proposed agreement with the Republic of France; as appendix 3 the proposed agreement with Canada; as appendix 4 correspondence from the President and the State Department in support of agreements for cooperation with NATO nations; as appendix 5 the proposed agreement with the Federal Republic of Germany; as appendix 6 the proposed agreement with The Netherlands; as appendix 7, the proposed agreement with Turkey; as appendix 8 the proposed agreement with Greece. Included also with each proposed agreement is the required statutory correspondence.

APPENDIX 1

AMENDMENT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES OF JULY 3, 1958

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on its own behalf and on behalf of the United Kingdom Atomic Energy Authority;

Desiring to amend in certain respects the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes (hereinafter referred to as the Agreement for Cooperation) signed at Washington on the third day of July, 1958;

Have agreed as follows:

ARTICLE 1

The following new Article shall be inserted after Article III of the Agreement for Cooperation:

"ARTICLE III bis

"Transfer of Materials and Equipment

"A. The Government of the United States shall transfer to the Government of the United Kingdom the following in such quantities, at such times prior to December 31, 1969, and on such terms and conditions as may be agreed:

"1. non-nuclear parts of atomic weapons which parts are for the purpose of improving the United Kingdom's state of training and operational readiness;

"2. other non-nuclear parts of atomic weapons systems involving Restricted Data which parts are for the purpose of improving the United Kingdom's state of training and operational readiness when in accordance with appropriate requirements of applicable laws;

"3. special nuclear material for research on, development of, production of, or use in utilization facilities for military applications; and

"4. source, by-product and special nuclear material, and other material, for research on, development of, or use in atomic weapons when, after consultation with the Government of the United Kingdom, the Government of the United States determines that the transfer of such material is necessary to improve the United Kingdom's atomic weapon design, development or fabrication capability.

"B. The Government of the United Kingdom shall transfer to the Government of the United States for military purposes such source, by-product and special nuclear material, and equipment of such types, in such quantities, at such times prior to December 31, 1969, and on such terms and conditions as may be agreed.

"C. 1. With respect to by-product material, special nuclear material and other material transferred from one Party to the other under this Article, the recipient Party agrees not to use any such material for purposes other than those for which it was received, provided that material which has lost its identity as a result of commingling with other material of the recipient Party may be put to other uses if the recipient Party retains an equivalent

amount of its own material for the purpose for which the other Party's material was received.

"2. For material or equipment transferred from one Party to the other Party, the recipient Party shall pay or reimburse, as may be agreed, all packaging, transportation and related costs. Packaging, shipping containers and methods of shipment shall be as may be agreed.

"3. Should either Party desire to acquire materials or components for use in the manufacture or in preparation for manufacture of atomic weapons from any source within the jurisdiction of the other Party, the procuring Party shall inform the other Party of the proposed procurement in order that such other Party may determine whether the proposed procurement involves classified information and if so whether the proposed procurement is in compliance with its applicable laws and regulations."

ARTICLE 2

Article VII of the Agreement for Cooperation shall be amended to read as follows:

"ARTICLE VII

"Dissemination

"Nothing in this Agreement shall be interpreted or shall operate as a bar or restriction to consultation or cooperation in any field of defense by either Party with other nations or international organizations. Neither Party, however, shall communicate classified information or transfer or permit access to or use of materials, or equipment, made available by the other Party pursuant to this Agreement to any nation or international organization unless:

"A. it is notified by the other Party that all appropriate provisions and requirements of such other Party's applicable laws, including authorization by competent bodies of such other Party, have been complied with as necessary to authorize such other Party directly so to communicate to, transfer to or permit access to or use by such other nation or international organization; and further that such other Party authorizes the recipient Party so to communicate to, transfer to or permit access to or use by such other nation or international organization; or

"B. in the case of communication of classified information and access to materials or equipment, such other Party has informed the recipient Party that such other Party has so communicated such classified information to, or permitted access to such materials or equipment by, such other nation or international organization; or

"C. in the case of material which has lost its identity as a result of commingling with other material of the recipient Party, the recipient Party retains an amount under its jurisdiction equivalent to that made available to it by the other Party under this Agreement."

ARTICLE 3

Article IX of the Agreement for Cooperation shall be amended as follows:

(1) The words "Article III" shall be deleted from paragraph A, subparagraph 2 of paragraph B, and subparagraph 1 of paragraph D, and the words "Articles III or III bis" shall be substituted therefor.

(2) The words "submarine propulsion plant and spare parts transferred pursuant to paragraph A of Article III" shall be deleted from subparagraph 1 of paragraph B, and the words "submarine propulsion plant, spare parts or equipment transferred pursuant to paragraph A of Article III or paragraph A or paragraph B of Article III bis" shall be substituted therefor.

ARTICLE 4

Article XI of the Agreement for Cooperation shall be amended as follows:

(1) Paragraph C shall be amended by adding at the end thereof the following:

"'Equipment' also includes non-nuclear parts of atomic weapons and other non-nuclear parts of atomic weapons systems involving Restricted Data."

(2) After paragraph H add the following:

"I. 'Non-nuclear parts of atomic weapons' means parts of atomic weapons which are specially designed for them and are not in general

use in other end products and which are not made, in whole or in part, of special nuclear material; and 'other non-nuclear parts of atomic weapons systems involving Restricted Data' means parts of atomic weapons systems, other than non-nuclear parts of atomic weapons, which contain or reveal atomic information and which are not made, in whole or in part, of special nuclear material.

"J. 'Atomic information' means information designated 'Restricted Data' or 'Formerly Restricted Data' by the Government of the United States and information designated 'ATOMIC' by the Government of the United Kingdom."

ARTICLE 5

Article XII of the Agreement for Cooperation shall be amended as follows:

The words "to take effect at the end of a term of ten years," shall be deleted and the words "to take effect on December 31, 1969," shall be substituted therefor.

ARTICLE 6

This Amendment, which shall be regarded as an integral part of the Agreement for Cooperation, shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Amendment.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Amendment.

DONE at Washington this seventh day of May, 1959, in two original texts.

For the Government of the United States of America:

/s/ CHRISTIAN A. HERTER
Secretary of State

For the Government of the United Kingdom of Great Britain and Northern Ireland:

/s/ HAROLD CACCIA
British Ambassador

Certified to be a true copy:

ROBERT D. BOURNE,
Division of International Affairs,
U.S. Atomic Energy Commission.

To the Congress of the United States:

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting herewith to each House of the Congress an authoritative copy of an amendment to the agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for cooperation on the uses of atomic energy for mutual defense purposes of July 3, 1958. The amendment was signed at Washington on May 7, 1959.

The agreement of July 3, 1958, for cooperation on the uses of atomic energy for military purposes provided for the exchange of information covering the design and use of atomic weapons and other military applications of atomic energy and for the sale to the United Kingdom of a nuclear submarine propulsion plant and necessary fuel. Numerous exchanges have been made under this agreement, and both nations have benefited from these exchanges.

Under the provisions of the agreement there have been discussions between representatives of the two nations concerning the nature and scope of equipment and materials exchanges which would best contribute to our common defense and security and further benefit our two nations. As a result of these discussions an amendment to the agreement has been developed to further the goal of our mutual defense. It is gratifying to note that this amendment will also result in conservation of scientific and technical manpower and effort, and capital which would otherwise be required in providing duplicate facilities to meet our corresponding but separate requirements.

I am also transmitting a copy of the Secretary of State's letter accompanying authoritative copies of the signed amendment, a copy of a joint letter from the

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Chairman of the Atomic Energy Commission and the Secretary of Defense recommending my approval of this amendment, and a copy of my memorandum in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, May 19, 1950.

(Enclosures: (1) Copy of amendment to the agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for cooperation on the uses of atomic energy for mutual defense purposes; (2) copy of Secretary of State's letter accompanying copies of the signed amendment; (3) copy of a joint letter from the Secretary of Defense and the Chairman of the AEC recommending my approval of the amendment; (4) a copy of my memorandum in reply thereto setting forth my approval.)

DEPARTMENT OF STATE,
Washington, May 7, 1959.

The PRESIDENT,
The White House:

The undersigned, the Secretary of State, has the honor to submit to the President with a view to its transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, an amendment to the agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for cooperation on the uses of atomic energy for mutual defense purposes, signed at Washington under date of July 3, 1958.

This amendment was signed on May 7, 1959, on behalf of the United States pursuant to the authorization granted in your memorandum of May 5, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission.

A copy of that memorandum was received by the Secretary of State from the President.

Respectfully submitted.

CHRISTIAN A. HERTER,
Secretary of State.

(Enclosure: Amendment to the agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for cooperation on the uses of atomic energy for mutual defense purposes.)

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., May 2, 1959.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The U.S. Atomic Energy Commission and the Secretary of Defense recommend that you approve the attached amendment to the agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for cooperation on the uses of atomic energy for mutual defense purposes. It is further recommended that you authorize the execution of this proposed amendment to the agreement on behalf of the United States of America. The Secretary of State concurs in the recommendations herein.

You will recall that the present agreement, which was executed on July 3, 1958, provided for increased cooperation with the United Kingdom under the authority of the Atomic Energy Act of 1954 as amended by Public Law 85-479. It provided the necessary framework for the exchange of certain classified information and the transfer of certain equipment and materials for military uses.

In the area of information, the agreement provided for exchange of information with the limits imposed by sections 144(b) and 144(c) of the Atomic Energy Act, as amended. Such information covered the development of defense plans; the training of personnel; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications; the development of delivery systems capable of carrying atomic weapons; design, development and fabrication of atomic weapons; and research, development, and design of military reactors. The agreement continued in effect submarine reactor cooperation earlier undertaken and provided for broader cooperation in the military reactor field in the future.

In the area of equipment and materials, the agreement provided for the transfer by sale to the United Kingdom of one complete submarine nuclear propulsion plant and fuel for operation of this plant for a period of 10 years.

It is believed that this agreement has resulted in significant advances to our mutual defense and security. Both Governments have benefited extensively from the exchange of information under the provisions of this agreement.

You will recall that although authorized by Public Law 85-479, the agreement did not provide for the transfer of nonnuclear parts of atomic weapons or other nonnuclear parts of atomic weapons systems or of materials for research on, development of, or use in atomic weapons or of materials for research on, development of, or production of utilization facilities for military application. Until such time as discussions could be held with the United Kingdom under the authority of Public Law 85-479 and the new agreement, it was not possible to determine the nature or scope of equipment and materials exchanges which would best contribute to our common defense and security. Such discussions have since been held, and the purpose of the attached amendment to the agreement is to provide for the transfer of such equipment and materials.

As we stated when we submitted the agreement for your approval, the United Kingdom is participating with the United States in international arrangements pursuant to which the United Kingdom is making substantial and material contributions to the mutual defense and security, and the United Kingdom has made substantial progress in the development of atomic weapons.

This amendment provides for the transfer from the United States to the United Kingdom of (a) nonnuclear parts of atomic weapons and other nonnuclear parts of atomic weapons systems involving restricted data for the purpose of improving the United Kingdom's state of training and operational readiness; (b) special nuclear materials for research on, development of, production of, or use in utilization facilities for military applications; and (c) certain source, byproduct, and special nuclear materials, and other materials for research on, development of, or use in atomic weapons necessary to improve the United Kingdom atomic weapon design, development or fabrication capabilities.

The amendment provides for the transfer of similar materials and equipment from the United Kingdom to the United States.

The transfers are to take place from time to time during the period ending December 31, 1969. The quantities and other terms and conditions of the transfers will be as agreed by the parties. In this connection, the maximum quantities of materials to be transferred by the United States prior to December 31, 1969, is contained in a supplementary classified letter. These quantities of materials can be made available for transfer during this period without adverse effect on our defense program. However, it is not possible to determine at this time all the types and the quantities of nonnuclear parts of atomic weapons and other nonnuclear parts of atomic weapons systems involving restricted data which should be transferred between the parties prior to December 31, 1969, to improve our common defense.

The amendment, therefore, provides that the parties will agree from time to time on types and quantities to be transferred. All such agreements will be submitted for your approval and, in accordance with the provisions of section 91(a) of the Atomic Energy Act and article I of the agreement be subject to your determination that the proposed transfer will promote and will not constitute an unreasonable risk to the common defense and security. It is contemplated that transfers of equipment for use in manufacture of weapons will be by sale with the purchasing party paying the cost of the other party in providing the equipment. It is also contemplated that equipment transferred for other uses may be sold, leased or loaned by the United States. Materials will also be transferred by sale. In this connection, it is contemplated that highly enriched U²³⁵ sold by the United States will be paid for with plutonium at the rate of 1 grain of plutonium for 1.76 grains of U²³⁵.

While the quantities of equipment and materials which will be transferred by the United States will not adversely interfere with our defense program, they will be such as to add to the United Kingdom's defense capability, and will preclude unnecessary duplication of effort, facilities, and funds and will provide for our greater collective security. The intended application of materials to the United Kingdom nuclear weapon production program as to types and time schedules for the next 10 years is considered consistent with current and planned force structures and delivery capabilities and in concurrence with the contribution the United Kingdom is expected to make to the defense of NATO and to the military strength and solidarity of the Western Alliance.

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Considering the progress to date on exchange of information within the limits imposed by section 144(b) and 144(c) provided for in the agreement, the expanded cooperation with the United Kingdom now proposed will contribute markedly to the development of practical and economical measures for applying the resources of both countries to the common defense and will serve as further evidence of the military, political and scientific bonds between the two nations.

In view of all the foregoing reasons the transfer of materials as proposed in the amendment is necessary to improve the atomic weapon design, development or fabrication capability of the United Kingdom.

The amendment recognizes that some materials and components to which one party may wish to procure from sources within the jurisdiction of the other party may be procured without an agreement for cooperation, provided that classified information not involving atomic information involved in the procurement may properly be communicated to the purchasing party. The amendment, therefore, provides that the other party will be informed of any such proposed procurement of materials or components for use in the manufacture of atomic weapons in order that it may insure compliance with its applicable laws and regulations.

The amendment also revises the "dissemination" article of the agreement. This revision is intended to make more specific the meaning of the original article, namely, that information, materials or equipment received by one party will not be communicated or transferred by that party to a third nation or international organization unless the party furnishing the information, material or equipment authorizes the communication or transfer after determining that it could effect the communication or transfer directly or, in the case of information, that it had previously communicated the information to such nation or organization. Special provision is made for materials which it is not practicable to keep separate from other materials of the receiving party, such as materials which became intermingled, or scrap resulting from manufacturing processes. To avoid burdensome and costly administrative procedures, which would otherwise be necessary to trace and identify this material, the amendment provides that an equivalent amount of the material will be retained under the jurisdiction of the receiving party.

The amendment makes technical changes in the "patents" article of the agreement resulting from the additional cooperation provided in the amendment and adds additional definitions. Finally the amendment modifies the "duration" article of the agreement so that co-operation in the field of information will continue until December 31, 1969, the term of the materials and equipment co-operation under the amendment.

Other provisions and conditions of the agreement including those relating to security safeguards will apply to cooperation under the amendment.

In accordance with the provisions of section 91 of the Atomic Energy Act of 1954, as amended, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security, while the United States and the United Kingdom are participating in an international arrangement for their mutual defense and security through substantial and material contributions thereto. Cooperation under article XIX bis, which will be added to the agreement by the amendment, would be undertaken only when these conditions prevail.

It is the considered opinion of the Atomic Energy Commission and the Department of Defense that the performance of this amendment to the agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you (1) approve the program for the transfer of material and equipment as set forth herein and in the attached amendment to the agreement; (2) determine that the performance of this amendment to the agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; (3) approve the proposed amendment to the agreement for cooperation; and (4) authorize the execution of the proposed amendment to the agreement for the Government of the United States by the Secretary of State.

Respectfully yours,

DONALD A. QUARLES,
Secretary of Defense.

JOHN A. McCONE,
Chairman, Atomic Energy Commission.

(Enclosures: As stated.)

THE WHITE HOUSE,
Washington, May 5, 1959.

Memorandum for—

THE CHAIRMAN, ATOMIC ENERGY COMMISSION.
THE SECRETARY OF DEFENSE.

In your joint letter of May 2, 1959, the Chairman of the Atomic Energy Commission and the Secretary of Defense recommended that I approve a proposed amendment to the agreement of July 3, 1958, between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for cooperation on the uses of atomic energy for mutual defense purposes.

The United Kingdom is participating with the United States in international arrangements pursuant to which it is making substantial and material contributions to the mutual defense and security, and the United Kingdom has made substantial progress in the development of atomic weapons. The proposed amendment will permit cooperation necessary to improve capabilities of the United States, and the United Kingdom, in the application of atomic energy for mutual defense purposes, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance.

Having considered the cooperation provided for in the amendment, including your joint recommendation, the security safeguards and other terms and conditions of the agreement and the amendment, I hereby—

- (a) Approve the program for transfer prior to December 31, 1969, of—
 - (i) nonnuclear parts of atomic weapons and other nonnuclear parts of atomic weapons systems involving restricted data; and
 - (ii) source, byproduct, special nuclear and other material

in the types and quantities and under the terms and conditions provided in the joint letters dated May 2, 1959, to me from the Chairman, United States Atomic Energy Commission, and the Secretary of Defense, and the proposed amendment to the agreement of July 3, 1958, between the Government of the United States and the Government of the United Kingdom for cooperation on the uses of atomic energy for mutual defense purposes; however, types, quantities and conditions of transfer not so provided are subject to my further approval.

(b) Determine that the performance of this amendment to the agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States;

(c) Approve the proposed amendment to the agreement for cooperation; and

(d) Authorize the execution of the proposed amendment to the agreement for the Government of the United States by the Secretary of State.

In taking these actions, I have noted the supplementary classified information regarding the amendment to the agreement, also jointly submitted to me.

After execution of the agreement, I shall submit it to the Congress of the United States.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

APPENDIX 2

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF FRANCE FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of the Republic of France,

Considering that their mutual security and defense require that they be prepared to meet the contingencies of atomic warfare;

Considering that they are participating together in international arrangements pursuant to which they are making substantial and material contributions to their mutual defense security;

Recognizing that their common defense and security will be promoted by the transfer by the Government of the United States to the Government of the Re-

public of France of enriched uranium for use in the development and operation of a land based prototype submarine nuclear propulsion plant;

Believing that such transfer can be undertaken without risk to the defense and security of either country; and

Taking into consideration their respective laws in this matter and, in particular, concerning the United States, the Atomic Energy Act of 1954 as amended, which was enacted with these purposes in mind,

Have agreed as follows:

ARTICLE I

General Provision

While the Government of the United States and the Government of the Republic of France are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, the Government of the United States will transfer by sale to the Government of the Republic of France agreed amounts of U^{235} contained in uranium enriched up to ninety percent (90%) in the isotope U^{235} for use in the development and operation of a land based prototype submarine nuclear propulsion plant, in accordance with the provisions of this Agreement, provided that the Government of the United States determines that such transfers will promote, and will not constitute an unreasonable risk to, its defense and security.

ARTICLE II

Transfer of Enriched Uranium

A. Pursuant to Article I hereof the Government of the United States will transfer by sale agreed amounts of U^{235} contained in uranium enriched up to ninety percent (90%) in the isotope U^{235} , as needed for use in the development and operation of a land based prototype submarine nuclear propulsion plant, during the ten (10) years following the date of entry into force of this Agreement, on such terms and conditions as may be agreed. The net amount of any uranium transferred hereunder during such period shall not exceed four hundred forty (440) kilograms of contained U^{235} except that the net amount of U^{235} contained in uranium enriched to more than twenty percent (20%) in the isotope U^{235} shall not exceed three hundred (300) kilograms; the net amount shall be the gross quantity of contained U^{235} in uranium transferred to the Government of the Republic of France during such period less the quantity of contained recoverable U^{235} which has been resold or otherwise returned to the Government of the United States during such period. If the Government of the Republic of France so requests, the Government of the United States will during such period authorize the conversion in private facilities in the United States of UF_6 to metal or other forms, as may be agreed, from the enriched uranium transferred under this Agreement.

B. If the Government of the Republic of France so requests, the Government of the United States will during such ten year period on terms and conditions to be agreed, reprocess any material transferred under this Agreement in facilities of the Government of the United States, if the reprocessing of such material is technically feasible in said facilities, or authorize such reprocessing in private facilities in the United States. Enriched uranium recovered in reprocessing such materials by either Party may be purchased by the Government of the United States under terms and conditions to be agreed. Enriched uranium recovered in reprocessing such materials and not purchased by the Government of the United States shall be returned to or retained by the Government of the Republic of France and any U^{235} not purchased by the Government of the United States will be credited to the amounts of U^{235} to be transferred by the Government of the United States under this Agreement.

C. The Government of the United States shall be compensated for enriched uranium sold by it pursuant to this Article at the United States Atomic Energy Commission's published charges applicable to the domestic distribution of such material in effect at the time of the sale. Any purchase of enriched uranium by the Government of the United States pursuant to this Article shall be at the applicable price of the United States Atomic Energy Commission for the purchase of enriched uranium in effect at the time of purchase of such enriched uranium.

ARTICLE III

Responsibility for Use of Information and Material

The application or use of any information or material communicated, exchanged or transferred under this Agreement shall be the responsibility of the Party receiving it, and the other Party does not provide any indemnity, and does not warrant the accuracy or completeness of such information and does not warrant the suitability or completeness of such information or material for any particular use or application.

ARTICLE IV

Conditions

A. Cooperation under this Agreement will be carried out by each of the Parties in accordance with its applicable laws.

B. Restricted Data shall not be communicated under this Agreement, and no materials shall be transferred under this Agreement in such form as would involve the communication of Restricted Data.

C. The enriched uranium transferred pursuant to this Agreement shall be used by the Government of the Republic of France exclusively in the development and operation of a land based prototype submarine nuclear propulsion plant in the preparation or implementation of defense plans in the mutual interests of the two countries.

ARTICLE V

Guaranties

The Government of the Republic of France guarantees that:

A. The safeguards provided in Article VI shall be maintained.

B. Any materials transferred pursuant to this Agreement shall not be transferred by the Government of the Republic of France, or persons under its jurisdiction, to any unauthorized persons, or transferred beyond the jurisdiction of the Government of the Republic of France except as the Government of the United States, pursuant to its laws, may agree to transfer of such material to another nation, and then only if in the opinion of the Government of the United States such transfer is authorized by an agreement for cooperation between the Government of the United States and the other nation.

ARTICLE VI

Safeguards

In order to assure use as provided in paragraph C of Article IV, the Parties shall have the same rights and obligations under this Agreement with respect to reactors, equipment and devices, and materials and their derivatives as they now have under Article X of the Agreement for Cooperation Concerning the Civil Uses of Atomic Energy between the Parties, signed at Washington on June 19, 1956, as amended by the Agreement signed on July 3, 1957, with respect to reactors, equipment and devices, and materials and their derivatives.

ARTICLE VII

Definitions

For the purposes of this Agreement:

A. "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of Restricted Data by the appropriate authority.

B. "Person" means:

1. any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency or government corporation other than the United States Atomic Energy Commission and the French Commissariat for Atomic Energy; and
2. any legal successor, representative, agent or agency of the foregoing.

C. "Parties" means the Government of the United States and the Government of the Republic of France, including the United States Atomic Energy Commission on behalf of the Government of the United States and the French Commissariat

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for Atomic Energy on behalf of the Government of the Republic of France. "Party" means one of the above "Parties".

D. "Development and operation" shall be construed to include critical experiments required in the development and operation of a land based prototype submarine nuclear propulsion plant.

ARTICLE VIII

Duration

This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this Agreement, and shall remain in force until terminated by agreement of both Parties except that Article II of this Agreement shall terminate ten years following the entry into force of this Agreement.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Agreement.

DONE at Washington in duplicate in the English and French languages, both texts being equally authentic, this seventh day of May, 1959.

For the Government of the United States of America:

CHRISTIAN A. HERTER
Secretary of State

For the Government of the Republic of France:

HERVÉ ALPHAND
French Ambassador

This is certified to be a true copy:

ROBERT D. BOURNE,
*Division of International Affairs,
U.S. Atomic Energy Commission.*

To the Congress of the United States:

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting herewith to each House of the Congress an authoritative copy in the English text of an agreement between the Government of the United States of America and the Government of the Republic of France for cooperation in the uses of atomic energy for mutual defense purposes. The agreement has been executed on May 7, 1959, by the Secretary of State on behalf of the Government of the United States, and by the Ambassador of France to the United States on behalf of the Government of the Republic of France.

To assist France in the development of a land-based prototype submarine propulsion plant, and in response to a request by France for U.S. cooperation in this field, our Governments have concluded this agreement whereby the United States will sell to France a quantity of enriched nuclear fuel for this purpose.

The agreement recognizes the relationship of this assistance to the mutual security of the two nations, and the contribution to joint defense arrangements which transfer of this material will make. As the result of discussions with the French, it has been determined that the amounts envisaged for sale to France should permit them to carry out the proposed project.

The transfer of the nuclear fuel under this agreement will be carried out in accordance with the Atomic Energy Act of 1954, as amended, and pursuant thereto I have determined that performance of this cooperation will promote, and will not constitute an unreasonable risk to, the common defense and security of the United States. It will be noted that the agreement does not provide for the communication of restricted data.

I am also transmitting a copy of the Secretary of State's letter accompanying the text of the agreement, a copy of a joint letter from the Chairman of the Atomic Energy Commission and the Secretary of Defense recommending my approval of this agreement, and a copy of my memorandum in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, May 19, 1959.

(Enclosures: (1) Agreement between the Government of the United States of America and the Government of the Republic of France for cooperation in the

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uses of atomic energy for mutual defense purposes; (2) copy of Secretary of State's letter accompanying copies of the signed agreement; (3) copy of a joint letter from the Secretary of Defense and the Chairman of the AEC recommending my approval of the agreement; (4) a copy of my memorandum in reply thereto setting forth my approval.)

DEPARTMENT OF STATE,
Washington, May 7, 1959.

The PRESIDENT,
The White House:

The undersigned, the Secretary of State, has the honor to submit to the President with a view to its transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, an agreement between the Government of the United States of America and the Government of the Republic of France for cooperation on the uses of atomic energy for mutual defense purposes.

This agreement was signed on May 7, 1959, on behalf of the United States pursuant to the authorization granted in your memorandum of May 5, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission.

A copy of that memorandum was received by the Secretary of State from the President.

Respectfully submitted.

CHRISTIAN A. HERTER,
Secretary of State.

(Enclosure: Agreement between the Government of the United States of America and the Government of the Republic of France for cooperation on the uses of atomic energy for mutual defense purposes.)

ATOMIC ENERGY COMMISSION,
Washington, D.C., May 2, 1959.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The U.S. Atomic Energy Commission and the Secretary of Defense recommend that you approve the attached agreement between the Government of the United States of America and the Government of the Republic of France for cooperation on the uses of atomic energy for mutual defense purposes. It is further recommended that you authorize the execution of this proposed agreement on behalf of the United States of America. The Secretary of State concurs in the recommendations herein.

The cooperation provided for in the agreement is authorized by the Atomic Energy Act of 1954, as amended by Public Law 85-479. The Republic of France is participating with the United States in an international arrangement pursuant to which the Republic of France is making substantial and material contributions to the mutual defense and security.

This agreement provides for the transfer by sale by the Government of the United States to the Government of the Republic of France during the period of 10 years following the date of entry into force of this agreement of agreed amounts of U^{235} contained in uranium enriched up to 90 percent in the isotope U^{235} as needed for use in the development and operation of a land based prototype submarine nuclear propulsion plant. The net amount of any uranium transferred under this agreement shall not exceed 440 kilograms of contained U^{235} except that the net amount of U^{235} contained in uranium enriched to more than 20 percent in the isotope U^{235} shall not exceed 300 kilograms. No restricted data or classified defense information shall be communicated under this agreement.

The transfer of enriched uranium for use in the development and operation of a land based prototype submarine nuclear propulsion plant is responsive to a specific request from the French Government and is for the purpose of assisting France in the development of a nuclear submarine capability in the French fleet.

The agreement provides that the Government of the Republic of France guarantees that materials transferred under this agreement shall be used exclusively in the development and operation of a land based prototype submarine nuclear propulsion plant in the preparation or implementation of defense plans in the mutual interests of the two countries. Appropriate safeguards are contained in the agreement to assure such use. The agreement also contains a commitment that the Government of the Republic of France will not transfer any ma-

terials received pursuant to this agreement to unauthorized persons or beyond the jurisdiction of the Government of the Republic of France except as the Government of the United States, pursuant to its laws, may agree to transfer of such material to another nation and then only if in the opinion of the Government of the United States such transfer is authorized by an agreement for cooperation between the Government of the United States and the other nation.

This agreement, except for article II, shall remain in force until terminated by agreement of both parties thus assuring continued protection for materials transferred in accordance with the provisions of the agreement. Article II, providing for transfer of enriched uranium, shall terminate 10 years following the entry into force of the agreement.

In accordance with the provisions of section 91 of the Atomic Energy Act of 1954, as amended, the agreement specifically provides in article I that agreed amounts of enriched uranium will be transferred to the Government of the Republic of France only when the Government of the United States determines that such transfers will promote and will not constitute an unreasonable risk to its defense and security while the United States and France are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under article II of the agreement would be undertaken only when these conditions prevail.

It is the considered opinion of the Atomic Energy Commission and the Department of Defense that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States. Accordingly, it is recommended that you

(1) Approve the program as set forth herein and in the attached agreement, for the transfer of agreed amounts of enriched uranium;

(2) Determine that the proposed Agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States;

(3) Approve the proposed agreement for cooperation; and

(4) Authorize the execution of the proposed Agreement for the Government of the United States by the Secretary of State.

Respectfully yours,

/s/ DONALD A. QUARLES,
Deputy Secretary, Department of Defense,
May 2, 1959.

/s/ JOHN A. MCCONE,
Chairman, Atomic Energy Commission,
April 29, 1959.

(Attachment: Agreement for cooperation.)

THE WHITE HOUSE,
Washington, May 5, 1959.

Memorandum for—

The SECRETARY OF DEFENSE.

The CHAIRMAN, ATOMIC ENERGY COMMISSION.

In your joint letter of May 2, 1959, to me, you recommended that I approve a proposed agreement between the Government of the United States of America and the Government of the Republic of France for cooperation on the uses of atomic energy for mutual defense purposes.

France is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to assist France in the development of a nuclear submarine capability for defense plans in the mutual interests of the two countries, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance.

Having considered the cooperation provided for in the agreement, including your joint recommendations, guarantees and other terms and conditions of the agreement, I hereby—

(1) approve the program for the transfer of enriched uranium in the quantities and under the terms and conditions provided in the joint letter to me from the Secretary of Defense and the Chairman of the Atomic Energy Commission dated May 2, 1959, and in the proposed agreement;

(2) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States;

(3) approve the proposed agreement for cooperation; and

(4) authorize the execution of the proposed agreement for the Government of the United States by the Secretary of State.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

APPENDIX 3

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of Canada,

Considering that their mutual security and defense require that they be prepared to meet the contingencies of atomic warfare;

Considering that they are participating together in an international arrangement pursuant to which they are making substantial and material contributions to their mutual defense and security;

Recognizing that their common defense and security will be advanced by the exchange of information concerning atomic energy and by the transfer of certain types of equipment;

Believing that such exchange and transfer can be undertaken without risk to the defense and security of either country;

Contemplating that their common defense and security may be advanced by the transfer at some future time of other types of equipment and materials for use therein; and

Taking into consideration that the United States Atomic Energy Act of 1954, as amended, and the Canadian Atomic Energy Control Act and Atomic Energy Regulations were enacted or prepared with these purposes in mind,

Have agreed as follows:

ARTICLE I

General Provision

While the United States and Canada are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, each Party will communicate to and exchange with the other Party information, and transfer materials and equipment to the other Party, in accordance with the provisions of this Agreement provided that the communicating or transferring Party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

ARTICLE II

Exchange of Information

Each Party will communicate to or exchange with the other Party such classified information as is jointly determined to be necessary to:

A. the development of defense plans;

B. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;

C. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy;

D. the development of delivery systems compatible with the atomic weapons which they carry; and

E. research, development and design of military reactors to the extent and by such means as may be agreed.

ARTICLE III

Transfer of Nonnuclear Parts of Atomic Weapons Systems

The Government of the United States will transfer to the Government of Canada, subject to terms and conditions mutually agreed upon between the Parties and all appropriate provisions and requirements of applicable United States laws, nonnuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving Canada's state of training and operational readiness.

ARTICLE IV

Transfer of Military Reactors and Materials

The Government of the United States, by amendment to this Agreement and subject to the terms and conditions mutually agreed upon between the Parties,

A. may agree to transfer, or authorize any person to transfer, to the Government of Canada, military reactors and/or parts thereof for military applications; and

B. may agree to transfer to the Government of Canada special nuclear material for research on, development of, production of, and use in military reactors for military applications.

ARTICLE V

Responsibility for Use of Information, Material and Equipment

The application or use of any information (including design drawings and specifications), material or equipment communicated, exchanged or transferred under this Agreement shall be the responsibility of the Party receiving it, and the other Party does not provide any indemnity, and does not warrant the accuracy or completeness of such information and does not warrant the suitability or completeness of such information, material or equipment for any particular use or application.

ARTICLE VI

Conditions

A. Cooperation under this Agreement will be carried out by each of the Parties in accordance with its applicable laws.

B. Under this Agreement there will be no transfer by either Party of atomic weapons or nonnuclear parts of atomic weapons.

C. Except as may be otherwise agreed for civil uses, the information communicated or exchanged, or the materials or equipment transferred, by either Party pursuant to this Agreement shall be used by the recipient Party exclusively for the preparation or implementation of defense plans in the mutual interests of the two countries.

D. Nothing in this Agreement shall preclude the communication or exchange of classified information which is transmissible under other arrangements between the Parties.

ARTICLE VII

Guarantees

A. Classified information, materials and equipment communicated or transferred pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the Parties and applicable national legislation and regulations of the Parties. In no case shall either Party maintain security standards for safeguarding classified information, materials or equipment made available pursuant to this Agreement less restrictive than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.

B. Classified information communicated or exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the communication or exchange of such information between the Parties.

C. Classified information, communicated or exchanged, and any materials or equipment transferred, pursuant to this Agreement shall not be communicated, exchanged or transferred by the recipient Party or persons under its jurisdiction to any unauthorized persons, or, except as provided in Article VIII of this Agree-

ment, beyond the jurisdiction of that Party. Each Party may stipulate the degree to which any of the information, materials or equipment communicated, exchanged or transferred by it or persons under its jurisdiction pursuant to this Agreement may be disseminated or distributed; may specify the categories of persons who may have access to such information, materials or equipment; and may impose such other restrictions on the dissemination or distribution of such information, materials or equipment as it deems necessary.

ARTICLE VIII

Dissemination

Nothing in this Agreement shall be interpreted or operate as a bar or restriction to consultation or cooperation in any field of defense by either Party with other nations or international organizations. Neither Party, however, shall communicate classified information or transfer or permit access to or use of materials, or equipment, made available by the other Party pursuant to this Agreement unless:

A. it is notified by the originating Party that all appropriate provisions and requirements of the originating Party's applicable laws, including authorization by competent bodies of the originating Party, have been complied with which would be necessary to authorize the originating Party directly so to communicate to, transfer to or permit access to or use by such other nation or international organization; and further that the originating Party authorizes the recipient Party so to communicate to, transfer to or permit access to or use by such other nation or international organization; or

B. the originating Party has informed the recipient Party that the originating Party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

ARTICLE IX

Classification Policies

Agreed classification policies shall be maintained with respect to all classified information, materials or equipment communicated, exchanged or transferred under this Agreement. The Parties intend to continue the present practice of consultation with each other on the classification of these matters.

ARTICLE X

Patents

A. With respect to any invention or discovery:

1. either employing information which has been communicated or exchanged pursuant to Article II, or derived from any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III and IV, and made or conceived after the date of such communication, exchange or transfer but during the period of this Agreement, by the recipient Party, or any agency or corporation owned or controlled thereby, or any of their agents or contractors, or any employee of any of the foregoing; or

2. not covered in subparagraph 1 above and made or conceived by any person representing, employed by, or acting for or on behalf of one Party (hereinafter referred to as the "sponsoring Party") or its contractor, while in the country of the other Party and assigned to an installation, plant, laboratory, institution or similar facility in the country of the other Party pursuant to this Agreement,

the recipient or sponsoring Party (as the case may be) shall:

1, be entitled to all right, title and interest in and to the invention or discovery, or patent application or patent thereon, in the country of the recipient or sponsoring Party (as the case may be) and in third countries; and

2, obtain by appropriate means, sufficient right, title and interest in and to the invention or discovery, or patent application or patent thereon, as may be necessary to fulfill its obligations under the following two subparagraphs; and

3, transfer and assign to the other Party all right, title and interest in and to the invention or discovery, or patent application or patent thereon, in the country of that other Party, subject to the retention by the recipient

or sponsoring Party (as the case may be) of a royalty-free, non-exclusive, irrevocable license, with the right to grant sublicenses, for all purposes; and

- 4, grant to the other Party a royalty-free, non-exclusive, irrevocable license, with the right to grant sublicenses, for all purposes in the country of the recipient or sponsoring Party (as the case may be) and in third countries.
- B. 1. Each Party shall, to the extent owned by it, or any agency or corporation owned or controlled thereby, grant to the other Party a royalty-free, non-exclusive, irrevocable license to manufacture and use the subject matter covered by any patent and incorporated in any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III and IV for use by the licensed Party for the purposes set forth in paragraph C of Article VI.

2. The transferring Party neither warrants nor represents that any reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III and IV do not infringe any patent owned or controlled by other persons and assumes no liability or obligation with respect thereto, and the recipient Party agrees to indemnify and hold harmless the transferring Party from any and all liability arising out of any infringement of any such patent.

C. With respect to any invention or discovery, or patent application or patent thereon, or license or sublicense therein covered by paragraph A of this Article, each Party:

1. may, to the extent of its right, title and interest therein, deal with the same in its own and third countries as it may desire, but shall in no event discriminate against citizens of the other Party in respect of granting any license or sublicense under the patents owned by it in its own or any other country;

2. hereby waives any and all claims against the other Party for compensation, royalty or award, and hereby releases the other Party with respect to any and all such claims.

- D. 1. No patent application with respect to any classified invention or discovery employing classified information which has been communicated or exchanged pursuant to Article II, or derived from the reactors and/or parts thereof or material or nonnuclear parts of atomic weapons systems transferred pursuant to Articles III or IV, may be filed:

a. By either Party or any person in the country of the other Party except in accordance with agreed conditions and procedures; or

b. in any country not a party to this Agreement except as may be agreed and subject to Articles VII and VIII.

2. Appropriate secrecy or prohibition orders shall be issued for the purpose of giving effect to this paragraph.

E. Detailed procedures shall be jointly established to effectuate the foregoing provisions, and all situations not specifically covered shall be settled by mutual agreement governed by the basic principle of equivalent benefits to both Parties.

ARTICLE XI

Previous Agreements for Cooperation

Effective from the date on which the present Agreement enters into force, the cooperation between the Parties being carried out under or envisaged by the Agreement for Cooperation Regarding Atomic Information for Mutual Defense Purposes, which was signed at Washington on June 15, 1955, and by paragraph B of Article II bis of the Agreement for Cooperation Concerning Civil Uses of Atomic Energy, which was signed at Washington on June 15, 1955, as amended by the Amendment signed at Washington on June 26, 1956, shall be carried out in accordance with the provisions of the present Agreement.

ARTICLE XII

Definitions

For the purposes of this Agreement:

A. "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

B. "Classified information" means information, data, materials, services or any other matter with the security designation of "Confidential" or higher applied under the legislation or regulations of either the United States or Canada, including that designated by the Government of the United States as "Restricted Data" or "Formerly Restricted Data" and that designated by the Government of Canada as "ZED Information".

C. "Equipment" means:

1. any instrument, apparatus or facility and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof, and includes reactor and military reactor; and

2. nonnuclear parts of atomic weapons systems involving Restricted Data.

D. "Nonnuclear parts of atomic weapons" means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made, in whole or in part, of special nuclear materials; and "other nonnuclear parts of atomic weapons systems involving Restricted Data" means parts of atomic weapons systems, other than nonnuclear parts of atomic weapons, which contain or reveal atomic information and which are not made, in whole or in part, of special nuclear material.

E. "Atomic information" means:

1. so far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" and "Formerly Restricted Data".

2. so far as concerns information provided by the Government of Canada, information which is designated "ZED Information".

F. "Military reactor" means a reactor for the propulsion of naval vessels, aircraft or land vehicles and military package power reactors.

G. "Reactor" means an apparatus, other than an atomic weapon, in which a controlled self-supporting fission chain reaction is maintained by utilizing uranium, plutonium or thorium, or any combination of uranium, plutonium or thorium

H. "Persons" means:

1. any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency or government corporation other than the United States Atomic Energy Commission and Atomic Energy of Canada Limited; and

2. any legal successor, representative, agent or agency of the foregoing.

I. References in this Agreement to the Government of Canada include the Atomic Energy of Canada Limited.

ARTICLE XIII

Duration

This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all legal requirements for the entry into force of this Agreement, and shall remain in force until terminated by agreement of both Parties, except that, if not so terminated, Articles II and III may be terminated by agreement of both Parties, or by either Party on one year's notice to the other to take effect at the end of a term of ten years, or thereafter on one year's notice to take effect at the end of any succeeding term of five years.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Agreement.

DONE at Washington this twenty-second day of May, 1959, in two original texts.

For the Government of the United States of America:

/s/ DOUGLAS DILLON

For the Government of Canada:

/s/ A. D. P. HEENEY

Certified to be a true copy of the original:

HALVOR O. EKERN,

Office of the Special Assistant to the Secretary for Atomic Energy,
Department of State.

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To the Congress of the United States:

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting herewith to each House of the Congress an authoritative copy of an agreement between the Government of the United States of America and the Government of Canada for cooperation on the uses of atomic energy for mutual defense purposes. The agreement was signed in Washington on May 22, 1959, by the Acting Secretary of State on behalf of the Government of the United States and the Ambassador of Canada to the United States on behalf of the Government of Canada.

Proceeding from the authority contained in Public Law 85-479 approved by the President July 2, 1958, which amended the Atomic Energy Act of 1954, the agreement was negotiated for the purpose of advancing the extent of cooperation between the two countries in their common defense, particularly in the vital field of the military applications of atomic energy.

The agreement is predicated on the determination that the common defense and security of the United States and Canada will be advanced by the cooperation envisaged therein, and takes into account that our countries are participating together in an international defense arrangement. The exchanges of information and transfers of equipment provided for in the agreement will substantially contribute to the capability of the United States and Canada to meet their mutual defensive responsibilities already closely shared.

I am also transmitting a copy of the Acting Secretary of State's letter accompanying authoritative copies of the signed agreement, a copy of a joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of this agreement, and a copy of my memorandum in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, May 26, 1959.

MAY 22, 1959.

THE PRESIDENT,
The White House:

The undersigned, the Acting Secretary of State, has the honor to submit to the President with a view to its transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, an agreement between the Government of the United States of America and the Government of Canada for cooperation on the uses of atomic energy for mutual defense purposes.

This agreement was signed today, May 22, 1959, on behalf of the United States pursuant to the authorization granted in the President's memorandum of May 22, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission. A copy of that memorandum was received by the Acting Secretary of State from the President.

Respectfully submitted.

(Enclosure: Agreement between the Government of the United States of America and the Government of Canada for cooperation on the uses of atomic energy for mutual defense purposes.)

THE WHITE HOUSE,
Washington, May 22, 1959.

Memorandum for—

The SECRETARY OF DEFENSE.

The CHAIRMAN, ATOMIC ENERGY COMMISSION.

In your joint letter to me of May 20, 1959, you recommended that I approve a proposed Agreement Between the Government of the United States of America and the Government of Canada for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

Canada is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and operational readiness of the armed forces of Canada, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance.

Having considered your joint recommendations and the cooperation provided for in the agreement, including security safeguards and other terms and conditions of the agreement, I hereby

(1) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving Restricted Data under the terms and conditions provided in your joint letter and the proposed Agreement; however, types, quantities and conditions of transfer of such parts not so provided are subject to my further approval;

(2) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(3) approve the proposed agreement and authorize its execution for the Government of the United States by the Secretary of State.

In making these actions, I have noted the supplementary information regarding the agreement, also jointly submitted to me.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

THE SECRETARY OF DEFENSE,
Washington, D.C., May 20, 1959.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States of America and the Government of Canada for cooperation on the uses of atomic energy for mutual defense purposes.

The present Agreement for Mutual Defense Purposes which was executed on June 15, 1955, provides for the exchange of information within limits concerning utilization of atomic weapons. Also, the amendment to the civil uses agreement which was executed on June 26, 1956, provides for the exchange of information on reactors of primarily military significance. Henceforth, cooperation on all military application of atomic energy would be carried out under the proposed new and expanded Agreement for Mutual Defense Purposes. Therefore, the agreement, which will permit, under the authority of the Atomic Energy Act of 1954, as amended, this increased cooperation is an important step in advancing our mutual defense interests, specifically, the vital cause of North American defense in which we have long been working closely with our Canadian neighbors and will thereby aid materially in defense of the United States.

Article II of the agreement provides for the transfer of classified information including restricted data and formerly restricted data necessary to the development of defense plans; the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy; the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; the development of delivery systems compatible with the atomic weapons which they carry; and research, development and design of military reactors.

Article III of the agreement provides that the United States will transfer non-nuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the armed forces of Canada. However, in view of section 91(c) of the Atomic Energy Act, the applicability of which is reflected in article VI of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities, and conditions of transfer, whether by sale, lease or loan, of those parts which it will become necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to determine from time to time the types, quantities, and conditions of transfer and such determination shall be submitted for your approval.

To date cooperation with Canada in the field of military reactors has been confined principally to the feasibility of their establishing a program for the design, development, and construction of military reactors. Recognizing the progress being made and the desire for further cooperation in this important field within the limits of the Atomic Energy Act, article IV of the agreement expresses our intent to agree at some future time to transfer material and equipment, with the

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understanding that such cooperation would require an amendment to this agreement.

The agreement would remain in force until terminated by an agreement of both parties, thus assuring continued protection of information and equipment transferred in accordance with the provisions of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be terminated by agreement of the parties or by either party, following 1 year's advance notice, at the expiration of an initial term of 10 years, or upon the expiration of any succeeding term of 5 years.

In accordance with the provisions of sections 91(c), 144 (b) and (c) of the Atomic Energy Act of 1954, as amended, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agreement also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and Canada are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article VI of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article VI also specifies that there will be no transfer under the agreement of atomic weapons or nonnuclear parts of atomic weapons.

In addition to the foregoing terms, conditions, duration, nature, and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement.

Canada is now participating with the United States in an international arrangement pursuant to which Canada is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that the agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you—

(a) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in this letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to your later approval;

(b) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(c) approve the proposed agreement and authorize its execution for the Government of the United States by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

With great respect, we are,

Faithfully yours,

NEIL H. McELROY,
Secretary of Defense.

JOHN A. McCONE,
Chairman, Atomic Energy Commission.

APPENDIX 4

CORRESPONDENCE FROM THE PRESIDENT AND THE STATE DEPARTMENT IN SUPPORT OF AGREEMENTS FOR COOPERATION WITH NATO NATIONS

To the Congress of the United States:

In December 1957 the heads of government of the nations members of the North Atlantic Treaty Organization reached agreement in principle on the desirability of achieving the most effective pattern of NATO military defensive strength, taking into account the most recent developments in weapons and techniques. In enunciating this agreement in principle the heads of government made it clear that this decision was the result of the fact that the Soviet leaders, while preventing a general disarmament agreement, had left no doubt that the most modern and destructive weapons of all kinds were being introduced into the Soviet armed forces. The introduction of modern weapons into NATO forces should be no cause for concern on the part of other countries, since NATO is purely a defensive alliance.

It is our conviction and the conviction of our NATO allies that the introduction into NATO defenses of the most modern weapons available is essential in maintaining the strength necessary to the alliance. Any alliance depends in the last analysis upon the sense of shared mutual interests among its members, and by sharing with our allies certain training information we are demonstrating concretely our sense of partnership in NATO's defensive planning. Failure on our part to contribute to the improvement of the state of operational readiness of the forces of other members of NATO will only encourage the Soviet Union to believe that it can eventually succeed in its goal of destroying NATO's effectiveness.

To facilitate the necessary cooperation on our part legislation amending the Atomic Energy Act of 1954 was enacted during the last session of the Congress. Pursuant to that legislation agreements for cooperation have recently been concluded with three of our NATO partners; all of these agreements are designed to implement in important respects the agreed NATO program. These agreements will enable the United States to cooperate effectively in mutual defense planning with these nations and in the training of their respective NATO forces in order that, if an attack on NATO should occur, under the direction of the Supreme Allied Commander for Europe these forces could effectively use nuclear weapons in their defense.

These agreements represent only a portion of the work necessary for complete implementation of the decision taken by the North Atlantic Treaty Organization in December 1957. I anticipate the conclusion of similar agreements for cooperation with certain other NATO nations as the alliance's defensive planning continues.

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting to each House of the Congress an authoritative copy of three agreements, one with the Federal Republic of Germany, one with the Kingdom of the Netherlands, and one with the Government of Turkey. I am also transmitting a copy of the Secretary of State's letter accompanying authoritative copies of the signed agreements, a copy of three joint letters from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of these documents and copies of my memoranda in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, May 26, 1959.

MAY 18, 1959.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The undersigned, the Acting Secretary of State, has the honor to lay before the President with a view to their transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, authoritative copies of three agreements for cooperation on the uses of atomic energy for mutual defense purposes; an Agreement between the Government of the United States and the Federal Republic of Germany signed at Bonn on May 5, 1959; an agreement between the Government of the United States and the Kingdom of the Netherlands signed at The Hague May 6, 1959; and an agreement between the Government of the United States and the Government of Turkey signed at Ankara May 5, 1959.

These agreements were signed on behalf of the United States pursuant to authorizations granted in your memoranda of May 4, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission. Copies of these memoranda were received by the Secretary of State from the President.

Faithfully yours,

DOUGLAS DILLON, *Acting Secretary.*

APPENDIX 5

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of the Federal Republic of Germany,

Considering that they have concluded a Mutual Defense Assistance Agreement pursuant to which each Government will make available to the other equipment, materials, services, or other military assistance in accordance with such terms and conditions as may be agreed;

Considering that their mutual security and defense require that they be prepared to meet the contingencies of atomic warfare;

Considering that they are participating together in an international arrangement pursuant to which they are making substantial and material contributions to their mutual defense and security;

Recognizing that their common defense and security will be advanced by the exchange of information concerning atomic energy and by the transfer of certain types of equipment;

Believing that such exchange and transfer can be undertaken without risk to the defense and security of either country; and

Taking into consideration the United States Atomic Energy Act of 1954, as amended, and all applicable statutes of the Federal Republic of Germany, which were enacted or prepared with these purposes in mind,

Have agreed as follows:

ARTICLE I

General Provisions

While the United States and the Federal Republic of Germany are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, each party will communicate to and exchange with the other Party information and transfer nonnuclear parts of atomic weapons systems involving Restricted Data to the other Party in accordance with the provisions of this Agreement, provided that the communicating or transferring Party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

ARTICLE II

Exchange of Information

Each Party will communicate to or exchange with the other Party such classified information as is jointly determined to be necessary to:

- A. the development of defense plans;
- B. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- C. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- D. the development of delivery systems compatible with the atomic weapons which they carry.

ARTICLE III

Transfer of Nonnuclear Parts of Atomic Weapons Systems

The Government of the United States will transfer to the Government of the Federal Republic of Germany, subject to terms and conditions to be agreed, non-nuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving the German state of training and operational readiness.

ARTICLE IV

Conditions

A. Cooperation under this Agreement will be carried out by each of the Parties in accordance with its applicable laws.

B. Under this Agreement there will be no transfer by either Party of atomic weapons, nonnuclear parts of atomic weapons, or special nuclear materials.

3. The information communicated or exchanged, or nonnuclear parts of atomic weapons systems transferred, by either Party pursuant to this Agreement shall be used by the recipient Party exclusively for the preparation or implementation of defense plans in the mutual interests of the two countries.

D. Nothing in this Agreement shall preclude the communication or exchange of classified information which is transmissible under other arrangements between the Parties.

ARTICLE V

Guarantees

A. Classified information and nonnuclear parts of atomic weapons systems communicated or transferred pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the Parties and applicable national legislation and regulations of the Parties. In no case shall either Party maintain security standards for safeguarding classified information, and nonnuclear parts of atomic weapons systems, made available pursuant to this Agreement less restrictive than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.

B. Classified information communicated or exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the communication or exchange of such information between the Parties.

C. Classified information, communicated or exchanged, and any nonnuclear parts of atomic weapons systems transferred pursuant to this Agreement shall not be communicated, exchanged or transferred by the recipient Party or persons under its jurisdiction to any unauthorized persons or, except as provided in Article VI of this Agreement, beyond the jurisdiction of that Party. Each Party may stipulate the degree to which any of the information and nonnuclear parts of atomic weapons systems communicated, exchanged or transferred by it or persons under its jurisdiction pursuant to this Agreement may be disseminated or distributed; may specify the categories of persons who may have access to such information or nonnuclear parts of atomic weapons systems; and may impose such other restrictions on the dissemination or distribution of such information or nonnuclear parts of atomic weapons systems as it deems necessary.

ARTICLE VI

Dissemination

Nothing in this Agreement shall be interpreted or operate as a bar or restriction to consultation or cooperation in any field of defense by either Party with other nations or international organizations. Neither Party, however, shall so communicate classified information or transfer or permit access to or use of non-nuclear parts of atomic weapons systems made available by the other Party pursuant to this Agreement unless:

A. It is notified by the originating Party that all appropriate provisions and requirements of the originating Party's applicable laws, including authorization by competent bodies of the originating Party, have been complied with which would be necessary to authorize the originating Party directly so to communicate to, transfer to, permit access to or use by such other nation or international organization; and further that the originating Party authorizes the recipient Party so to communicate to, transfer to, permit access to or use by such other nation or international organization; or

B. The originating Party has informed the recipient Party that the originating Party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

ARTICLE VII

Classification policies

Agreed classification policies shall be maintained with respect to all classified information and nonnuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement.

ARTICLE VIII

Responsibility for use of information and nonnuclear parts of atomic weapons systems

The application or use of any information (including design drawings and specifications) or nonnuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement shall be the responsibility of the Party receiving it, and the other Party does not provide any indemnity or warranty with respect to such application or use.

ARTICLE IX

Patents

The recipient Party shall use the classified information communicated or revealed by equipment transferred hereunder for the purposes specified herein only. Any inventions or discoveries resulting from possession of such information on the part of the recipient Party or persons under its jurisdiction shall be made available to the other Party for defense purposes without charge in accordance with such arrangements as may be agreed and shall be safeguarded in accordance with the provisions of Article V of this Agreement.

ARTICLE X

Definitions

For the purposes of this Agreement:

A. "Atomic Weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

B. "Classified information" means information, data, materials, services or any other matter with the security designation of "Confidential" or higher applied under the legislation or regulations of either the United States or the Federal Republic of Germany, including that designated by the Government of the United States as "Restricted Data" or "Formerly Restricted Data" and that designated by the Government of the Federal Republic of Germany as "Sonderangaben".

C. "Nonnuclear parts of atomic weapons" means parts of atomic weapons which are specially designed for them and are not in general use in other

end products and which are not made of, in whole or in part, special nuclear material; and "nonnuclear parts of atomic weapons systems involving Restricted Data" means parts of atomic weapons systems, other than non-nuclear parts of atomic weapons, which contain or reveal atomic information and which are not made of, in whole or in part, special nuclear material.

D. As used in this Agreement, the term "atomic information" means:

1. So far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" and "Formerly Restricted Data".

2. So far as concerns information provided by the Government of the Federal Republic of Germany, information which is designated "Son-derangaben".

ARTICLE XI

Duration

This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all legal requirements for the entry into force of this Agreement, and shall remain in force until terminated by agreement of both Parties except that either Party may terminate its cooperation under Articles II or III upon the expiration of the North Atlantic Treaty.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Agreement.

DONE at Bonn, in duplicate in the English and German languages, both texts being equally authentic, this 5th day of May 1959.

For the Government of the United States of America:

DAVID BRUCE

For the Government of the Federal Republic of Germany:

FRANZ JOSEF KUNTZ

THE WHITE HOUSE,
Washington, May 4, 1959.

Memorandum for—

The SECRETARY OF DEFENSE.

The CHAIRMAN, ATOMIC ENERGY COMMISSION.

In your joint letter to me of May 1, 1959, you recommended that I approve the proposed agreement between the Government of the United States of America and the Government of the Federal Republic of Germany for cooperation on the uses of atomic energy for mutual defense purposes.

The Federal Republic of Germany is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and operational readiness of the armed forces of the Federal Republic of Germany, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance, in accordance with the agreement in principle reached in December 1957.

Having considered your joint recommendations and the cooperation provided for in the agreement, including security safeguards and other terms and conditions of the agreement I hereby

(1) Approve the program for the transfer of non-nuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in your joint letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to my further approval;

(2) Determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(3) Approve the proposed agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

THE SECRETARY OF DEFENSE,
Washington, May 1, 1959.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States of America and the Government of the Federal Republic of Germany for cooperation on the uses of atomic energy for mutual defense purposes.

The proposed agreement will permit, under the authority of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purpose of improving the state of training and operational readiness of the Armed Forces of the Federal Republic. The December 1957 NATO Heads of Government meeting established the concept of a stockpile of arms for the strengthening of NATO's defenses, and this present agreement is an important part of the implementation of this concept. The carrying out of this agreement should do much to advance our mutual defense interests, including the vital cause of strengthening the NATO defensive alliance, and will thereby aid materially in the defense of the United States.

Article II of the agreement provides for the transfer of classified information, including restricted data and formerly restricted data, necessary to the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

Article III of the agreement provides that the United States will transfer nonnuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the Armed Forces of the Federal Republic. However, in view of section 91(c) of the Atomic Energy Act, the applicability of which is reflected in article IV of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities, and conditions of transfer, whether by sale, lease, or loan of those parts which it will become necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to determine from time to time the types, quantities, and conditions of transfer and such determination shall be submitted for your approval.

The agreement would remain in force until terminated by agreement of both parties, thus assuring continued protection for the information and equipment transferred in accordance with the provisions of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be discontinued by either party in the event of the termination of the North Atlantic Treaty.

In accordance with the provisions of section 91(c) and 144(b) of the Atomic Energy Act of 1954, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agreement also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and the Federal Republic are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article IV of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article IV also makes clear that there will be no transfer under the agreement of atomic weapons, nonnuclear parts of atomic weapons or special nuclear material.

In addition to the foregoing provisions on the terms, conditions, duration, nature and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement.

The Federal Republic is now participating with the United States in international arrangement pursuant to which the Federal Republic is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that this agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you—

(a) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in this letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to your later approval;

(b) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(c) approve the proposed agreement and authorize its execution for the Government of the United States in a manner specified by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

Respectfully,

DONALD A. QUARLES,
Deputy, Secretary of Defense.
JOHN A. McCONE,
Chairman, Atomic Energy Commission.

APPENDIX 6

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

The Government of the United States of America and the Government of the Kingdom of the Netherlands,

Considering that they have concluded a Mutual Defense Assistance Agreement, pursuant to which each Government will make available to the other equipment, materials, services, or other military assistance in accordance with such terms and conditions as may be agreed;

Considering that their mutual security and defense require that they be prepared to meet the contingencies of atomic warfare;

Considering that they are participating together in an international arrangement pursuant to which they are making substantial and material contributions to their mutual defense and security;

Recognizing that their common defense and security will be advanced by the exchange of information concerning atomic energy and by the transfer of certain types of equipment;

Believing that such exchange and transfer can be undertaken without risk to the defense and security of either country; and

Taking into consideration the United States Atomic Energy Act of 1954, as amended, and all applicable statutes of the Netherlands, which were enacted or prepared with these purposes in mind;

Have agreed as follows:

ARTICLE I

General Provisions

While the United States and the Netherlands are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, each Party will communicate to and exchange with the other Party information and transfer non-nuclear parts of atomic weapons systems involving Restricted Data to the other Party in accordance with the provisions of this Agreement, provided that the communicating

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or transferring Party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

ARTICLE II

Exchange of Information

Each Party will communicate to or exchange with the other Party such classified information as is jointly determined to be necessary to:

- A. the development of defense plans;
- B. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- C. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- D. the development of delivery systems compatible with the atomic weapons which they carry.

ARTICLE III

Transfer of Non-Nuclear Parts of Atomic Weapons Systems

The Government of the United States will transfer to the Government of the Netherlands, subject to terms and conditions to be agreed, non-nuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving the Netherlands' state of training and operational readiness.

ARTICLE IV

Conditions

A. Cooperation under this Agreement will be carried out by each of the Parties in accordance with its applicable laws.

B. Under this Agreement there will be no transfer by either Party of atomic weapons, non-nuclear parts of atomic weapons, or special nuclear materials.

C. The information communicated or exchanged, or non-nuclear parts of atomic weapons systems transferred, by either Party pursuant to this Agreement shall be used by the recipient Party exclusively for the preparation or implementation of defense plans in the mutual interests of the two countries.

D. Nothing in this Agreement shall preclude the communication or exchange of classified information which is transmissible under other arrangements between the Parties.

ARTICLE V

Guarantees

A. Classified information and non-nuclear parts of atomic weapons systems communicated or transferred pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the Parties and applicable national legislation and regulations of the Parties. In no case shall either Party maintain security standards for safeguarding classified information, and non-nuclear parts of atomic weapons systems, made available pursuant to this Agreement less restrictive than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.

B. Classified information communicated or exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the communication or exchange of such information between the Parties.

C. Classified information, communicated or exchanged, and any non-nuclear parts of atomic weapons systems transferred pursuant to this Agreement shall not be communicated, exchanged or transferred by the recipient Party or persons under its jurisdiction to any unauthorized persons or, except as provided in Article VI of this Agreement, beyond the jurisdiction of that Party. Each Party may stipulate the degree to which any of the information and non-nuclear parts of atomic weapons systems communicated, exchanged or transferred by it or persons under its jurisdiction pursuant to this Agreement may be disseminated or distributed; may specify the categories of persons who may have access to such information or non-nuclear parts of atomic weapons systems; and may impose such other restrictions on the dissemination or distribution of such information or non-nuclear parts of atomic weapons systems as it deems necessary.

ARTICLE VI

Dissemination

Nothing in this Agreement shall be interpreted or operate as a bar or restriction to consultation or cooperation in any field of defense by either Party with other nations or international organizations. Neither Party, however, shall so communicate classified information or transfer or permit access to or use of non-nuclear parts of atomic weapons systems made available by the other Party pursuant to this Agreement unless:

A. It is notified by the originating Party that all appropriate provisions and requirements of the originating Party's applicable laws, including authorization by competent bodies of the originating Party, have been complied with which would be necessary to authorize the originating Party directly so to communicate to, transfer to, permit access to or use by such other nation or international organization; and further that the originating Party authorizes the recipient Party so to communicate to, transfer to, permit access to or use by such other nation or international organization; or

B. The originating Party has informed the recipient Party that the originating Party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

ARTICLE VII

Classification Policies

Agreed classification policies shall be maintained with respect to all classified information and non-nuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement.

ARTICLE VIII

Responsibility for Use of Information and Non-Nuclear Parts of Atomic Weapons Systems

The application or use of any information (including design drawings and specifications) or non-nuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement shall be the responsibility of the Party receiving it, and the other Party does not provide any indemnity or warranty with respect to such application or use.

ARTICLE IX

Patents

The recipient Party shall use the classified information communicated, or revealed by equipment transferred hereunder, for the purposes specified herein only. Any inventions or discoveries resulting from possession of such information on the part of the recipient Party or persons under its jurisdiction shall be made available to the other Party for all purposes without charge in accordance with such arrangements as may be agreed and shall be safeguarded in accordance with the provisions of Article V of this Agreement.

ARTICLE X

Definitions

For the purposes of this Agreement:

A. "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

B. "Classified information" means information, data, materials, services, or any other matter with the security designation of "Confidential" or higher applied under the legislation or regulations of either the United States or the Netherlands, including that designated by the Government of the United States as "Restricted Data" or "Formerly Restricted Data" and that designated by the Government of the Netherlands as "Atomic".

C. "Non-nuclear parts of atomic weapons" means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made of, in whole or in part, special nuclear material; and "non-nuclear parts of atomic weapons systems involving Restricted Data" means parts of atomic weapons systems, other than non-nuclear parts of atomic weapons, which contain or reveal atomic information and which are not made of, in whole or in part, special nuclear material.

D. As used in this Agreement, the term "atomic information" means:

1. So far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" and "Formerly Restricted Data".

2. So far as concerns information provided by the Government of the Netherlands, information which is designated "Atomic".

ARTICLE XI

Duration

This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all legal requirements for the entry into force of this Agreement, and shall remain in force until terminated by agreement of both Parties except that either Party may terminate its cooperation under Articles II or III upon the expiration of the North Atlantic Treaty.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Agreement.

DONE at The Hague, in duplicate, in the English language, this 6th day of May, 1959.

For the Government of the United States of America:

PHILIP YOUNG.

For the Government of the Kingdom of the Netherlands:

THE WHITE HOUSE,
Washington, May 4, 1959.

Memorandum for—

THE SECRETARY OF DEFENSE.

THE CHAIRMAN, ATOMIC ENERGY COMMISSION.

In your joint letter to me of May 1, 1959, you recommended that I approve a proposed agreement between the Government of the United States of America and the Government of the Netherlands for cooperation on the uses of atomic energy for mutual defense purposes.

The Netherlands is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and operational readiness of the armed forces of the Netherlands, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance, in accordance with the agreement in principle reached in December 1957.

Having considered your joint recommendations and the cooperation provided for in the agreement, including security safeguards and other terms and conditions of the agreement, I hereby

(1) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in your joint letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to my further approval;

(2) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(3) approve the proposed agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

THE SECRETARY OF DEFENSE,
Washington, May 1, 1959.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States of America and the Government of the Netherlands for cooperation on the uses of atomic energy for mutual defense purposes.

The proposed agreement will permit, under the authority of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purpose of improving the state of training and operational readiness of the armed forces of the Netherlands. The December 1957 NATO heads of government meeting established the concept of a stockpile of arms for the strengthening of NATO's defenses, and this present agreement is an important part of the implementation of this concept. The carrying out of this agreement should do much to advance our mutual defense interests, including the vital cause of strengthening the NATO defensive alliance, and will thereby aid materially in the defense of the United States.

Article II of the agreement provides for the transfer of classified information, including restricted data and formerly restricted data, necessary to the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

Article III of the agreement provides that the United States will transfer nonnuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the armed forces of the Netherlands. However, in view of section 91(c) of the Atomic Energy Act, the applicability of which is reflected in article IV of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities, and conditions of transfer, whether by sale, lease, or loan, of those parts which it will become necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to determine from time to time the types, quantities, and conditions of transfer and such determination shall be submitted for your approval.

The agreement would remain in force until terminated by agreement of both parties, thus assuring continued protection for the information and equipment transferred in accordance with the provisions of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be discontinued by either party in the event of the termination of the North Atlantic Treaty.

In accordance with the provisions of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agreement also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and the Netherlands are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article IV of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article IV also makes clear that there will be no transfer under the agreement of atomic weapons, nonnuclear parts of atomic weapons or special nuclear material.

In addition to the foregoing provisions on the terms, conditions, duration, nature and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement.

The Netherlands is now participating with the United States in an international arrangement pursuant to which the Netherlands is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that this agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you—

(a) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in this letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to your later approval;

(b) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(c) approve the proposed agreement and authorize its execution for the Government of the United States in a manner specified by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

Respectfully yours,

DONALD A. QUARLES,
Deputy Secretary of Defense.

JOHN A. MCCONE,
Chairman, Atomic Energy Commission.

APPENDIX 7

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF TURKEY FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

No. 2422

ANKARA, May 5, 1959.

His Excellency FATIN RUSTU ZORLU,
Minister of Foreign Affairs, Ankara.

EXCELLENCY: I have the honor to refer to the decisions taken at the North Atlantic Treaty Heads of Government meeting in December 1957 and to propose the following Agreement between the Government of the United States of America and the Government of Turkey for cooperation on the uses of Atomic Energy for Mutual Defense purposes:

The Government of the United States of America and the Government of Turkey,

Considering that they have concluded a mutual defense assistance agreement pursuant to which each Government will make available to the other equipment, materials, services, or the military assistance in accordance with such terms and conditions as may be agreed;

Considering that their mutual security and defense require that they be prepared to meet the contingencies of atomic warfare;

Considering that they are participating together in an international arrangement pursuant to which they are making substantial and material contributions to their mutual defense and security;

Recognizing that their common defense and security will be advanced by the exchange of information concerning atomic energy and by the transfer of certain types of equipment;

Believing that such exchange and transfer can be undertaken without risk to the defense and security of either country; and

Taking into consideration the United States Atomic Energy Act of 1954, as amended, and all applicable statutes of Turkey, which were enacted or prepared with these purposes in mind,

Have agreed as follows:

ARTICLE I

General Provision

While the United States and Turkey are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, each Party will communicate to and exchange with the other party information and transfer nonnuclear parts of atomic weapons systems involving restricted data to the other Party in accordance with the provisions of this Agreement, provided that the communicating or transferring Party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

ARTICLE II

Exchange of Information

Each Party will communicate to or exchange with the other Party such classified information as is jointly determined to be necessary to:

- A. the development of defense plans;
- B. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- C. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- D. the development of delivery systems compatible with the atomic weapons which they carry.

ARTICLE III

Transfer of Nonnuclear Parts of Atomic Weapons Systems

The Government of the United States will transfer to the Government of Turkey, subject to terms and conditions to be agreed, nonnuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving Turkish state of training and operational readiness.

ARTICLE IV

Conditions

- A. Cooperation under this Agreement will be carried out by each of the Parties in accordance with its applicable laws.
- B. Under this Agreement there will be no transfer by either Party of atomic weapons, nonnuclear parts of atomic weapons, or special nuclear materials.
- C. The information communicated or exchanged, or nonnuclear parts of atomic weapons systems transferred, by either Party pursuant to this Agreement shall be used by the recipient Party exclusively for the preparation or implementation of defense plans in the mutual interests of the two countries.
- D. Nothing in this Agreement shall preclude the communication or exchange of classified information which is transmissible under other arrangements between the Parties.

ARTICLE V

Guarantees

- A. Classified information and nonnuclear parts of atomic weapons systems communicated or transferred pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the Parties and applicable national legislation and regulations of the Parties. In no case shall either Party maintain security standards for safeguarding classified information, and nonnuclear parts of atomic weapons systems, made available pursuant to this Agreement less restrictive than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.
- B. Classified information communicated or exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the communication or exchange of such information between the Parties.
- C. Classified information, communicated or exchanged, and any nonnuclear parts of atomic weapons systems transferred pursuant to this Agreement shall

not be communicated, exchanged or transferred by the recipient. Party or persons under its jurisdiction to any unauthorized persons or, except as provided in Article VI of this Agreement, beyond the jurisdiction of that Party. Each Party may stipulate the degree to which any of the information and nonnuclear parts of atomic weapons systems communicated, exchanged or transferred by it or persons under its jurisdiction pursuant to this Agreement may be disseminated or distributed; may specify the categories of persons who may have access to such information or nonnuclear parts of atomic weapons systems; and may impose such other restrictions on the dissemination or distribution of such information or nonnuclear parts of atomic weapons systems as it deems necessary.

ARTICLE VI

Dissemination

Nothing in this Agreement shall be interpreted or operate as a bar or restriction to consultation or cooperation in any field of defense by either Party with other nations or international organizations. Neither Party, however, shall so communicate classified information or transfer or permit access to or use of nonnuclear parts of atomic weapons systems made available by the other Party pursuant to this Agreement unless:

A. It is notified by the originating Party that all appropriate provisions and requirements of the originating Party's applicable laws, including authorization by competent bodies of the originating Party, have been complied with which would be necessary to authorize the originating Party directly so to communicate to, transfer to, permit access to or use by such other nation or international organization; and further that the originating Party authorizes the recipient Party so to communicate to, transfer to, permit access to or use by such other nation or international organization; or

B. The originating Party has informed the recipient Party that the originating Party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

ARTICLE VII

Classification Policies

Agreed classification policies shall be maintained with respect to all classified information and nonnuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement.

ARTICLE VIII

Responsibility For Use of Information and Nonnuclear Parts of Atomic Weapons Systems

The application or use of any information (including design drawing and specifications) or nonnuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement shall be the responsibility of the Party receiving it, and the other Party does not provide any indemnity or warranty with respect to such application or use.

ARTICLE IX

Patents

The recipient Party shall use the classified information communicated or revealed by equipment transferred hereunder for the purposes specified herein only. Any inventions or discoveries resulting from possession of such information on the part of the recipient Party or persons under its jurisdiction shall be made available to the other Party for defense purposes without charge in accordance with such arrangements as may be agreed and shall be safeguarded in accordance with the provisions of Article V of this agreement.

ARTICLE X

Definitions

For the purposes of this agreement:

A. "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

B. "Classified information" means information, data, materials, services or any other matter with the security designation of "Confidential" or higher applied under the legislation or regulations of either the United States or Turkey, including that designated by the Government of the United States as "Restricted Data" or "Formerly Restricted Data" and that designated by the Government of Turkey as "Atomic".

C. "Nonnuclear parts of atomic weapons" means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made of, in whole or in part, special nuclear material; and "nonnuclear parts of atomic weapons systems involving Restricted Data" means parts of atomic weapons systems, other than nonnuclear parts of atomic weapons, which contain or reveal atomic information and which are not made of, in whole or in part, special nuclear material.

D. As used in this Agreement, the term "Atomic Information" means:

1. So far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" or "Formerly Restricted Data".

2. So far as concerns information provided by the Government of Turkey information which is designated "Atomic".

ARTICLE XI

Duration

This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all legal requirements for the entry into force of this Agreement, and shall remain in force until terminated by agreement of both Parties except that either Party may terminate its cooperation under Article II or III upon the expiration of the North Atlantic Treaty.

If the foregoing is acceptable to your Government, I have the honor to propose that this Note and your reply thereto, Excellency, shall constitute an Agreement between our Governments.

Accept, Excellency, the renewed assurances of my highest consideration.

THE WHITE HOUSE,
Washington, May 4, 1959.

Memorandum for:

THE SECRETARY OF DEFENSE.

THE CHAIRMAN, ATOMIC ENERGY COMMISSION.

In your joint letter to me of May 1, 1959, you recommended that I approve a proposed agreement between the Government of the United States of America and the Government of Turkey for cooperation on the uses of atomic energy for mutual defense purposes.

Turkey is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and operational readiness of the armed forces of Turkey, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance, in accordance with the agreement in principle reached in December 1957.

Having considered your joint recommendations and the cooperation provided for in the agreement, including security safeguards and other terms and conditions of the agreement, I hereby

(1) approve the program for the transfer of non-nuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in your joint letter and the proposed agreement; however, types, quantities, and conditions of transfer of such parts are subject to my further approval;

(2) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(3) approve the proposed agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.

THE SECRETARY OF DEFENSE,
Washington, May 1, 1959.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States of America and the Government of Turkey for cooperation on the uses of atomic energy for mutual defense purposes.

The proposed agreement will permit, under the authority of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purpose of improving the state of training and operational readiness of the armed forces of Turkey. The December 1957 NATO heads of government meeting established the concept of a stockpile of arms for the strengthening of NATO's defenses, and this present agreement is an important part of the implementation of this concept. The carrying out of this agreement should do much to advance our mutual defense interests, including the vital cause of strengthening the NATO defensive alliance, and will thereby aid materially in the defense of the United States.

Article II of the agreement provides for the transfer of classified information, including restricted data and formerly restricted data, necessary to the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

Article III of the agreement provides that the United States will transfer non-nuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the armed forces of Turkey. However, in view of section 91(c) of the Atomic Energy Act, the applicability of which is reflected in article IV of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities and conditions of transfer, whether by sale, lease or loan, of these parts which it will become necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to determine from time to time the types, quantities and conditions of transfer and such determination shall be submitted for your approval.

The agreement would remain in force until terminated by agreement of both parties, thus assuring continued protection for the information and equipment transferred in accordance with the provisions of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be discontinued by either party in the event of the termination of the North Atlantic Treaty.

In accordance with the provisions of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agree-

ment also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and Turkey are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article IV of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article IV also makes clear that there will be no transfer under the agreement of atomic weapons, nonnuclear parts of atomic weapons or special nuclear material.

In addition to the foregoing provisions of the terms, conditions, duration, nature and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement.

Turkey is now participating with the United States in an international arrangement pursuant to which Turkey is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that this agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you—

(a) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in this letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to your later approval;

(b) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(c) approve the proposed agreement and authorize its execution for the Government of the United States in a manner specified by the Secretary of State.

The Secretary of State concurs in the foregoing recommendations.

DONALD A. QUARLES,
Deputy Secretary of Defense.
JOHN A. McCONE,

Chairman, Atomic Energy Commission.

APPENDIX 8

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF GREECE FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES

ATHENS, May 6, 1959.

His Excellency CONSTANTINE TSATSOS,
Acting Foreign Minister,
Athens.

EXCELLENCY: I have the honor to refer to the decisions taken at the North Atlantic Treaty Heads of Government Meeting in December 1957 and to propose the following agreement between the Government of the United States of America and the Government of The Kingdom of Greece for cooperation on the uses of atomic energy for mutual defense purposes.

The Government of the United States of America and the Royal Hellenic Government,

Considering that they have concluded a Mutual Defense Assistance Agreement pursuant to which each Government will make available to the other equipment, materials, services or other military assistance in accordance with such terms and conditions as may be agreed;

52 AMENDMENTS FOR COOPERATION FOR MUTUAL DEFENSE

Considering that their mutual security and defense require that they be prepared to meet the contingencies of atomic warfare;

Considering that they are participating together in an international arrangement pursuant to which they are making substantial and material contributions to their mutual defense and security;

Recognizing that their common defense and security will be advanced by the exchange of information concerning atomic energy and by the transfer of certain types of equipment;

Believing that such exchange and transfer can be undertaken without risk to the defense and security of either country; and

Taking into consideration the United States Atomic Energy Act of 1954, as amended, and all applicable statutes of The Kingdom of Greece, which were enacted or prepared with these purposes in mind,

Have agreed as follows:

ARTICLE I

General Provision

While the United States and The Kingdom of Greece are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto, each Party will communicate to and exchange with the other Party information and transfer nonnuclear parts of atomic weapons systems involving restricted data to the other Party in accordance with the provisions of this Agreement, provided that the communicating or transferring Party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security.

ARTICLE II

Exchange of Information

Each Party will communicate to or exchange with the other Party such classified information as is jointly determined to be necessary to:

- A. the development of defense plans;
- B. the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- C. the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- D. the development of delivery systems compatible with the atomic weapons which they carry.

ARTICLE III

Transfer of Nonnuclear Parts of Atomic Weapons Systems

The Government of the United States will transfer to the Royal Hellenic Government, subject to terms and conditions to be agreed nonnuclear parts of atomic weapons systems involving Restricted Data as such parts are jointly determined to be necessary for the purpose of improving the Greek state of training and operational readiness.

ARTICLE IV

Conditions

A. Cooperation under this Agreement will be carried out by each of the Parties in accordance with its applicable laws.

B. Under this Agreement there will be no transfer by either Party of atomic weapons, nonnuclear parts of atomic weapons, or special nuclear materials.

C. The information communicated or exchanged, or nonnuclear parts of atomic weapons systems transferred, by either Party pursuant to this Agreement shall be used by the recipient Party exclusively for the preparation or implementation of defense plans in the mutual interests of the two countries.

D. Nothing in this Agreement shall preclude the communication or exchange of classified information which is transmissible under other arrangements between the Parties.

ARTICLE V

Guarantees

A. Classified information and nonnuclear parts of atomic weapons systems communicated or transferred pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the Parties

and applicable national legislation and regulations of the Parties. In no case shall either Party maintain security standards for safeguarding classified information, and nonnuclear parts of atomic weapons systems, made available pursuant to this Agreement less restrictive than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.

B. Classified information communicated or exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the communication or exchange of such information between the Parties.

C. Classified information, communicated or exchanged, and any nonnuclear parts of atomic weapons systems transferred pursuant to this Agreement shall not be communicated, exchanged or transferred by the recipient Party or persons under its jurisdiction to any unauthorized persons or, except as provided in Article VI of this Agreement, beyond the jurisdiction of that Party. Each Party may stipulate the degree to which any of the information and nonnuclear parts of atomic weapons systems communicated, exchanged or transferred by it or persons under its jurisdiction pursuant to this Agreement may be disseminated or distributed; may specify the categories of persons who may have access to such information or nonnuclear parts of atomic weapons systems; and may impose such other restrictions on the dissemination or distribution of much information or nonnuclear parts of atomic weapons systems as it deems necessary.

ARTICLE VI

Dissemination

Nothing in this Agreement shall be interpreted or operate as a bar or restriction to consultation or cooperation in any field of defense by either Party with other nations or international organizations. Neither Party, however, shall so communicate classified information or transfer or permit access to or use of nonnuclear parts of atomic weapons systems made available by the other Party pursuant to this Agreement unless:

A. It is notified by the originating Party that all appropriate provisions and requirements of the originating Party's applicable laws, including authorization by competent bodies of the originating Party, have been complied with which would be necessary to authorize the originating Party directly so to communicate to, transfer to, permit access to or use by such other nation or international organization; and further, that the originating Party authorizes the recipient Party so to communicate to, transfer to, permit access to or use by such other nation or international organization; or

B. The originating Party has informed the recipient Party that the originating Party has so communicated to, transferred to, permitted access to or use by such other nation or international organization.

ARTICLE VII

Classification policies

Agreed classification policies shall be maintained with respect to all classified information and nonnuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement.

ARTICLE VIII

Responsibility for use of information and nonnuclear parts of atomic weapons systems

The application or use of any information (including design drawings and specifications) or nonnuclear parts of atomic weapons systems communicated, exchanged or transferred under this Agreement shall be the responsibility of the Party receiving it, and the other Party does not provide any indemnity or warranty with respect to such application or use.

ARTICLE IX

Patents

The recipient Party shall use the classified information communicated or revealed by equipment transferred hereunder for the purposes specified herein only. Any inventions or discoveries resulting from possession of such information on the part of the recipient Party or persons under its jurisdiction shall be made

available to the other Party for all purposes without charge in accordance with such arrangements as may be agreed and shall be safeguarded in accordance with the provisions of Article V of this Agreement.

ARTICLE X

Definitions

For the purposes of this Agreement:

A. "Atomic Weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

B. "Classified information" means information, data, materials, services or any other matter with the security designation of "Confidential" or higher applied under the legislation or regulations of either the United States or The Kingdom of Greece, including that designated by the Government of the United States as "Restricted Data" or "Formerly Restricted Data" and that designated by the Royal Hellenic Government as "Atomic".

C. "Nonnuclear parts of atomic weapons" means parts of atomic weapons which are specially designed for them and are not in general use in other end products and which are not made of, in whole or in part, special nuclear material; and "nonnuclear parts of atomic weapons systems involving Restricted Data" means parts of atomic weapons systems, other than nonnuclear parts of atomic weapons, which contain or reveal atomic information and which are not made of, in whole or in part, special nuclear material.

D. As used in this agreement, the term "Atomic information" means:

1. So far as concerns information provided by the Government of the United States, information which is designated "Restricted Data" and "Formerly Restricted Data".

2. So far as concerns information provided by the Government of The Kingdom of Greece, information which is designated "Atomic".

ARTICLE XI

Duration

This agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all legal requirements for the entry into force of this agreement, and shall remain in force until terminated by agreement of both Parties except that either Party may terminate its cooperation under Articles II or III upon the expiration of the North Atlantic Treaty.

If the foregoing is acceptable to your Government I have the honor to propose that this note and your reply thereto, Excellency, shall constitute an Agreement between our Governments.

JAMES W. RIDDLEBERGER.

To the Congress of the United States:

In December 1957 the heads of government of the nations members of the North Atlantic Treaty Organization reached agreement in principle on the desirability of achieving the most effective pattern of NATO military defensive strength, taking into account the most recent developments in weapons and techniques. In enunciating this agreement in principle the heads of government made it clear that this decision was the result of the fact that the Soviet leaders, while preventing a general disarmament agreement, had left no doubt that the most modern and destructive weapons of all kinds were being introduced into the Soviet armed forces. The introduction of modern weapons into NATO forces should be no cause for concern on the part of other countries, since NATO is purely a defensive alliance.

It is our conviction and the conviction of our NATO allies that the introduction into NATO defenses of the most modern weapons available is essential in maintaining the strength necessary to the Alliance. Any alliance depends in the last analysis upon the sense of shared mutual interests among its members, and by sharing with our Allies certain training information we are demonstrating concretely our sense of partnership in NATO's defensive planning. Failure on our

part to contribute to the improvement of the state of operational readiness of the forces of other members of NATO will only encourage the Soviet Union to believe that it can eventually succeed in its goal of destroying NATO's effectiveness.

To facilitate the necessary cooperation on our part legislation amending the Atomic Energy Act of 1954 was enacted during the last session of the Congress. Pursuant to that legislation agreements for cooperation were recently concluded with three of our NATO partners and submitted to the Congress on May 26. A similar agreement was also recently concluded with our NATO ally, the Kingdom of Greece. All of these agreements are designed to implement in important respects the agreed NATO program. This agreement with the Kingdom of Greece will enable the United States to cooperate effectively in mutual defense planning with Greece and in the training of Greek NATO forces in order that, if an attack on NATO should occur, under the direction of the Supreme Allied Commander for Europe Greek forces could effectively use nuclear weapons in their defense.

These agreements previously submitted and this Greek agreement represent only a portion of the work necessary for complete implementation of the decision taken by the North Atlantic Treaty Organization in December 1957. I anticipate the conclusion of similar agreements for cooperation with certain other NATO nations as the Alliance's defensive planning continues.

Pursuant to the Atomic Energy Act of 1954, as amended, I am submitting to each House of the Congress an authoritative copy of an agreement with the Kingdom of Greece. I am also transmitting a copy of the Acting Secretary of State's letter accompanying authoritative copies of the signed agreement, a copy of a joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission recommending my approval of this document and a copy of my memorandum in reply thereto setting forth my approval.

DWIGHT D. EISENHOWER.

The WHITE HOUSE.

(Enclosures: 1. Agreement with the Kingdom of Greece; 2. Copy of a joint letter from the Secretary of Defense and the Chairman of the Atomic Energy Commission to the President; 3. Copy of the President's Memorandum recording his approval.)

JUNE 6, 1959.

THE PRESIDENT,
The White House.

The undersigned, the Acting Secretary of State, has the honor to lay before the President with a view to its transmission to the Congress, pursuant to the Atomic Energy Act of 1954, as amended, authoritative copies of an agreement for cooperation on the uses of atomic energy for mutual defense purposes between the Government of the United States and the Kingdom of Greece signed in Athens on May 6, 1959.

This agreement was signed on behalf of the United States pursuant to the authorization granted in your memorandum of May 4, 1959, to the Secretary of Defense and the Chairman of the Atomic Energy Commission. A copy of this memorandum was received by the Secretary of State from the President.

Respectfully submitted.

DOUGLAS DILLON.

MAY 1, 1959.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: There is hereby submitted for your consideration and approval a proposed agreement between the Government of the United States of America and the Government of Greece for cooperation on the uses of atomic energy for mutual defense purposes.

The proposed agreement will permit, under the authority of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, as amended, the transfer of classified information and certain equipment necessary for the purpose of improving the state of training and operational readiness of the armed forces of Greece. The December 1957 NATO heads of government meeting established the concept of a stockpile of arms for the strengthening of NATO's defenses, and this present agreement is an important part of the implementation of this concept. The

carrying out of this agreement should do much to advance our mutual defense interests, including the vital cause of strengthening the NATO defensive alliance, and will thereby aid materially in the defense of the United States.

Article II of the agreement provides for the transfer of classified information, including restricted data and formerly restricted data, necessary to the development of defense plans; the training of personnel in the employment of and the defense against atomic weapons and other military applications of atomic energy; the evaluation of the capability of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and the development of delivery systems capable of carrying atomic weapons.

Article III of the agreement provides that the United States will transfer non-nuclear parts of atomic weapons systems involving restricted data (other than nonnuclear parts of atomic weapons) for the purpose of improving the state of training and operational readiness of the Armed Forces of Greece. However, in view of section 91(c) of the Atomic Energy Act, the applicability of which is reflected in article IV of the agreement, no transfer can be made if it would contribute significantly to the recipient nation's atomic weapon design, development or fabrication capability. It is not possible to determine at this time the types, quantities, and conditions of transfer, whether by sale, lease, or loan, of those parts which it will become necessary to transfer for our mutual defense during the period of the agreement. Accordingly, under the terms and conditions of the agreement, it will be necessary to determine from time to time the types, quantities, and conditions of transfer, and such determination shall be submitted for your approval.

The agreement would remain in force until terminated by agreement of both parties, thus assuring continued protection for the information and equipment transferred in accordance with the provisions of the agreement. However, cooperation for the transfer of information and equipment under articles II and III of the agreement may be discontinued by either party in the event of the termination of the North Atlantic Treaty.

In accordance with the provisions of sections 91(c) and 144(b) of the Atomic Energy Act of 1954, the agreement specifically provides in article I that all cooperation under the agreement will be undertaken only when the communicating or transferring party determines that such cooperation will promote and will not constitute an unreasonable risk to its defense and security. Article I of the agreement also provides, in accordance with the act, that all cooperation under the agreement will be undertaken only while the United States and Greece are participating in an international arrangement for their mutual defense and security and making substantial and material contributions thereto. Cooperation under articles II and III of the agreement would be undertaken only when these conditions prevail.

Article IV of the agreement stipulates that the cooperation under the agreement will be carried out by each of the parties in accordance with its applicable laws. Article IV also makes clear that there will be no transfer under the agreement of atomic weapons, nonnuclear parts of atomic weapons or special nuclear material.

In addition to the foregoing provisions on the terms, conditions, duration, nature and scope of cooperation, the agreement provides that the parties will maintain agreed security safeguards and standards. The agreement also contains particular commitments that the recipient of any equipment or information that is obtained pursuant to the agreement will not transfer it to unauthorized persons and will not transfer it beyond the jurisdiction of the recipient party, except in limited circumstances specifically provided in the agreement.

Greece is now participating with the United States in an international arrangement pursuant to which Greece is making substantial and material contributions to the mutual defense and security. It is the view of the Department of Defense and the Atomic Energy Commission that this agreement is entirely in accord with the provisions of the Atomic Energy Act of 1954, as amended. It is the considered opinion of the Department of Defense and the Atomic Energy Commission that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

Accordingly, it is recommended that you

- (a) approve the program for the transfer of nonnuclear parts of atomic weapons systems involving restricted data under the terms and conditions provided in this letter and the proposed agreement; however, types, quantities, and conditions of transfer of such parts are subject to your later approval;
- (b) determine that the performance of this agreement will promote and

will not constitute an unreasonable risk to the common defense and security of the United States; and

(c) approve the proposed agreement and authorize its execution for the Government of the United States in a manner specified by the Secretary of State:

The Secretary of State concurs in the foregoing recommendations.

Respectfully,

Secretary of Defense.

Chairman, Atomic Energy Commission.

THE WHITE HOUSE,
Washington, May 4, 1959.

Memorandum for—

THE SECRETARY OF DEFENSE.

THE CHAIRMAN, ATOMIC ENERGY COMMISSION.

In your joint letter to me of May 1, 1959, you recommended that I approve a proposed agreement between the Government of the United States of America and the Government of Greece for cooperation on the uses of atomic energy for mutual defense purposes.

Greece is participating with the United States in an international arrangement pursuant to which it is making substantial and material contributions to the mutual defense and security. The proposed agreement will permit cooperation necessary to improve the state of training and operational readiness of the Armed Forces of Greece, subject to provisions, conditions, guarantees, terms, and special determinations, which are most appropriate in this important area of mutual assistance, in accordance with the agreement in principle reached in December 1957.

Having considered your joint recommendations and the cooperation provided for in the agreement, including security safeguards and other terms and conditions of the agreement, I hereby

(1) approve the program for the transfer of nonnuclear parts of atomic weapon systems involving restricted data under the terms and conditions provided in your joint letter and the proposed agreement; however, types, quantities and conditions of transfer of such parts are subject to my further approval;

(2) determine that the performance of this agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and

(3) approve the proposed agreement and authorize its execution for the Government of the United States in a manner designated by the Secretary of State.

After execution of the agreement, I shall submit it to the Congress.

I am forwarding a copy of this memorandum to the Secretary of State.

DWIGHT D. EISENHOWER.



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